

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50269 of 2017**

Arising Out of PS.Case No. -117 Year- 2016 Thana -ATHMALGOLA District- PATNA

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Santosh Kumar, Son of Arvind Sah, resident of village- Usmanpur, Police  
Station- Athmalgola, District- Patna.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satyendra Prasad Singh, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      18-10-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner apprehends arrest in connection with  
Athmalgola Police Station Case No. 117 of 2016 registered for the  
offence under section 7 of the Essential Commodities Act.

The informant of this case happens to be Block  
Supply Officer. On getting information from the villagers, he  
conducted raid at the grain shop of this petitioner and found him  
selling rice belonging to PDS stock. On query, it was found that  
the petitioner in collusion with one PDS dealer namely Sukhdeo  
Paswan was selling the rice meant for PDS shop. The shops of this  
petitioner as well as the PDS dealer were sealed.

The learned counsel for the petitioner submits that the



petitioner is a grain dealer selling grains after purchasing it from the villagers. The PDS shop was duly verified by the concerned authority in presence of the Circle Officer and only 10 Kg. rice was found deficit from the stock register. The said PDS dealer Sukhdeo Paswan has been allowed anticipatory bail by one of the coordinate Bench of this Court in Cr. Misc. No. 32644 of 2017 on 13.07.2017. The petitioner has clean antecedent having no nexus with any of the PDS dealer and so he deserves anticipatory bail.

Learned Additional Public Prosecutor on the other hand opposed the submission.

The petitioner happens to be grain dealer and allegation is that he in collusion with Sukhdeo Paswan, was found selling rice belonging to PDS stock. The said Sukhdeo Paswan has been allowed anticipatory bail by one of the coordinate Bench of this Court in Cr. Misc. No. 32644 of 2017 on 13.07.2017.

Considering the facts and circumstances of the case, the prayer of anticipatory bail is allowed and the petitioner in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola Police



Station Case No. 117 of 2016, subject to the condition as laid  
down under Section 438 (2) of the Criminal Procedure Code.

**(Sanjay Kumar, J)**

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