

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.61487 of 2017**

Arising Out of PS.Case No. -98 Year- 2017 Thana -SUIYA District- BANKA

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1. Dularchand Das @ Dulalchand Das, S/o late Jaldhar Das, R/o Village-Saiya Bazar, P.S.- Katoriya, District- Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

2/ 19-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Suiya P.S. Case No.98 of 2017** instituted for the offence under Section(s) 7 of the E. C. Act.

Counsel for the petitioner has submitted that petitioner is owner of Shree Guru Rice Mill.

It is alleged in the written report that 100 bags of rice was found loaded on a Pickup Van and those rice were packed in plastic bag with brand name written as Shree Guru Rice Mill. It is further alleged that 8 empty bags of FCI was also found on the truck. It is stated in the written report that on enquiry villagers told that rice is being transported by Arbind



Kumar Singh for the purpose of black marketing.

Counsel for the petitioner has submitted that rice is open for sale in market and the bags were having brand name written as Shree Guru Rice Mill. It is further submitted that there is no ban on use of the FCI bags, which are available in open market.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Suiya P.S. Case No.98 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Banka**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty  
to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

**JA/-**

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