IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41477 of 2017
Arising Out of PS.Case No. -28 Year- 2017 Thana -BELAGANJ District- GAYA

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Nand Lal Prasad son of Late Sheo Balak Singh, Resident of Village- Panari, Police Station- Belganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Sri Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-09-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Belaganj P.S. Case No. 28 of 2017 for offences punishable under Section 7 of the Essential Commodities Act, 1955.

The prosecution case, as lodged by the Block Supply Officer is that the petitioner who is a P.D.S. dealer was found to be carrying two bags of rice each containing 50 kg in a three wheeler, was caught by the villagers. It was alleged that the petitioner was taking the bags of rice for black marketing and the beneficiaries have also stated that they were not being given rice even after its procurement.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no order has been issued under Section 3 of the Essential Commodities Act so as to invoke the

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punitive provisions of Section 7 of the said Act. He submits that it is only on the basis of suspicion that the petitioner has been made accused and that his P.D.S. License No. 28 of 2007 has not been cancelled as yet. He submits that some of the beneficiaries have also sworn affidavits that they have not stated about non-supply of rice and other commodities. He submits that charge-sheet has already been submitted that the petitioner has no criminal history and is languishing in custody since 23.06.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Gaya in connection with Belaganj P.S. Case No. 28 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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