

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44965 of 2016

Arising Out of PS.Case No. -206 Year- 2016 Thana -BELHAR District- BANKA

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Adhiklal Yadav, S/o Darogi Yadav, Resident of Village- Sardara, Police
Station- Belhar, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate

For the Opposite Party : Mr. Sri Anil Kumar Singh 1(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Belhar P.S. Case No. 206 of 2016, registered for the offence
punishable under Section 7 of the E.C. Act.

Allegedly, the petitioner being the proprietor of
Manoj Self Help Group used to distribute less quantity of rice and
wheat than the prescribed quantity to the beneficiary and further
62 packet of rice containing 31 quintals was caught loaded on pick
up van bearing no. JH17C-9591 regarding which the driver of the
pick up van said that it was loaded by the petitioner and it was to
be carrying to Bhole Shankar.

Submission is of false implication and that there is no



chit of paper to show that the rice caught was of the petitioner's shop. The driver has wrongly given the name of the petitioner. During physical verification of the shop of the petitioner no actual shortage was found and only on the basis of the statement of the driver, the petitioner cannot be held liable.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that in para 7 of the case diary, beneficiary Shanty Devi and others have supported the allegation made against the petitioner and, as such, he does not deserves pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation of beneficiaries, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Belhar P.S. Case No. 206 of 2016, pending in the Court of learned Chief Judicial Magistrate, Banka.

(Jitendra Mohan Sharma, J.)

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