

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28152 of 2017

Arising Out of PS.Case No. -475 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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1. Ehtasham Alam @ Ehteshamul Haque, son of Late Md. Alim, resident of Village- Sontha, P.S.- Kochadhaman, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Utsav Kumar, Advocate
Mr. Pradeep Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 7 of Essential Commodities Act.

The prosecution case, in brief, is that on secret information that one vehicle bearing registration No.BR-11S-5435 carrying food grains intercepted at Block chowk, Bheriadangi, the informant caught hold the said vehicle and the driver of the truck disclosed, namely, Md. Mushtak has disclosed that the owner of the vehicle is Md. Anwar Alam and 46 bags rice and 52 bags paddy 50 kgs. each belong to Md. Manjar. The said bags of rice and paddy were recovered.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The petitioner is not named in the F.I.R. His name has come in course of investigation merely on suspicion. As per the F.I.R., the goods belong to one Md. Manjar.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. case No.475 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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