

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61806 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -DHURAIYA District- BANKA

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Raju Sah, Son of Late Satya Narayan Sah, Resident of Village- Saguniya,
Police Station- Dhoraiya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

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

The prosecution case is that the informant
being Block Supply Officer, Dhoraiya on the direction of
S.D.O., Banka raided the house of the petitioner on 10.09.2017
at 1.00 A.M. and recovered 131 bags of rice each contains 45
kgs. The bags bear the stamp of Bihar State Food Corporation.
From the embankment of Gerua river, 800 meters away from the
house of the petitioner, 52 bags of rice each containing 45 kgs.



was recovered and it was suspected that these are subsidized government rice. However, there is no claimant of the said rice.

It is submitted by learned counsel for the petitioner that the son of the petitioner is dealer of food grains and he had purchased 131 bags of rice from Arya Rice Mill, Saino Jagdishpur on 27.09.2017. The invoice has been brought on record as Annexure-2. Hence, on mere suspicion the accusation has been levelled, merely because the bags were bearing the stamp of Bihar State Food Corporation and it was suspected that the same are subsidized government rice. It is further submitted that there is nothing on record to suggest that from where these rice were brought, whether it was from PDS dealer or any godown of the Bihar State Food Corporation. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the nature of accusation, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Banka in connection with Dhoraiya P.S.



Case No. 185 of 2017, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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