

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52376 of 2017

Arising Out of PS.Case No. -272 Year- 2017 Thana -TRIVENIGANJ District- SUPAUL

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Bhola Yadav S/o Late Jamun Yadav, R/o Village- Musharnia, P.S.- Tribeniganj, District- Supaul, Chairman Primary Agricultural Cooperative Society Cum P.D.S. Dealar Patra Gordhai Panchayat, P.S. & Block- Tribeniganj, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 10-11-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Tribeniganj P.S. Case No. 272 of 2017 for the offence punishable under section 7 of the Essential Commodities Act.

Allegedly, 25 bags each containing 50 kg. of rice containing logo of State Food Corporation (FCI) were recovered from Tata (Ash) vehicle and one person fled away whereas driver Binod Yadav was apprehended and he stated the name of the petitioner that the said rice was brought from the PACS of petitioner and it was purchased by Shambhu. The P.D.S. shop of the petitioner was found closed. In the meantime, driver also fled away.



Submission is of false implication and that the petitioner was not apprehended from the spot, in his P.D.S. shop no irregularity has been found, his P.D.S. shop was inspected by the Block Supply Officer on 22.07.2017 and no irregularity has been found, vide Annexure-2, the petitioner has been made victim of the circumstances, due to dirty village politics he has been implicated only on the basis of confessional statement of the co-accused.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances stated above, considering that the name of the petitioner was taken by the co-accused in his confessional statement and besides that there is nothing against the petitioner and as such the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-I, Supaul in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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