

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5131 of 2017

Arising Out of PS.Case No. -97 Year- 2016 Thana -KUTUMBA District- AURANGABAD

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Md. Faiyaj Ahmad, S/o Late Md. Ayub, Resident of Village- Sonarkhap,
P.S.- Kutumba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 24-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kutumba P.S. Case No. 97 of 2016 registered under Section
7 of the Essential Commodities Act.

The accusation is that on receiving the information
about selling of food grains of Fair Price Shop to Kailash Saw,
which was being carried on a tempo, the informant being the
Block Supply Officer reached at Sanda Bhatwa road where the
tempo was seized which was being driven by Birendra Sao. On
search, 7 bags each containing 50 kgs. of Rice; one weighing
instrument and 40 empty bags were recovered. Tempo driver
Birendra Sao disclosed that the rice was loaded at the Fair Price



Shop of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that in fact the seized rice was purchased by Kailash Sao which was found on the tempo with weighing machine and with ulterior motive the petitioner has been falsely implicated in this case. The stock register of the petitioner's fair price shop was verified as detailed in paragraph-56 and 57 of the case diary which was found correct. It is submitted that the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Md. Faiyaj Ahmad be released on bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 97 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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