

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19696 of 2017

Arising Out of PS.Case No. -421 Year- 2016 Thana -BIHTA District- PATNA

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Abinav Kumar @ Anand Kumar, s/o Sri Anil Kr. Singh, r/o village-
Amhara, PS- Bihta, Dist.- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 31-05-2017 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of

Bihar State Food Corporation.

Petitioner is apprehending his arrest in connection
with Bihta PS case no. 421 of 2016 registered for the offences
punishable under Sections 420, 467, 468, 120B of Indian Penal
Code and Section 7 of Essential Commodities Act.

Petitioner is the owner of the truck bearing
registration no. BR 01GA- 0385. F.I.R. was lodged by the Supply
Inspector, Bihta. From perusal of the F.I.R., it appears that the
truck was intercepted containing C.M.R. rice and the Supply
Inspector presumed that by deviating from the prescribed route,
the truck carrying C.M.R. rice was involved in black marketing
and as such liable to be prosecuted under the provisions of Section



7 of Essential Commodities Act.

Counsel for the petitioner has drawn attention of this Court at page no. 17, the seizure list and submitted that seizure list was prepared in breach of the mandatory provisions of law. Counsel appearing on behalf of B.S.F.C. admits that B.S.F.C. has not sustained any loss. The rice was the property of the B.S.F.C. and it was returned to the B.S.F.C. Mere deviation from the prescribed route does not amount to commission of any offence of black-marketing. In para 3 of the petition, petitioner has stated that he has no criminal antecedent.

In view of the facts and circumstances mentioned above, let the petitioner, in the event of his arrest or surrender within four weeks from the date of receipt/ production of a copy of this order, be released on bail on his furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate, Danapur (Patna) or successor Court in Bihta PS case no. 421 of 2016 subject to the conditions enumerated under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Upadhyay, J.)

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