

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22529 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Vinod Sahni @ Mogal @ Mogal Sahni, Son of Rijhan Sahni, Resident of Village-
Jitwarpur Nijamat, P.S. Samastipur Mufassil, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Kant Shukla and Mr. Rajesh Ranjan No. 1, Advocates
For the State	:	Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Samastipur
Mufasil P.S. Case No. 04 of 2017 dated 05.01.2017 instituted under
Section 7 of the Essential Commodities Act.

3. The allegation against the petitioner is that 24 bags of
rice and 10 empty rice bags with the stamp of Food Corporation of
India were seized from a TATA ACE vehicle driven by one Arjun
Kumar, who has stated that he was carrying the rice belonging to the
petitioner from the FCI godown with an intent to sell it in the black
market after repackaging it in plastic bags.

4. Learned counsel for the petitioner submitted that



mere statement of the driver is not sufficient to fasten liability on the petitioner. Further, it was submitted that the petitioner, not being a PDS dealer, he could not have lifted the rice from the FCI godown and when there is no allegation of any theft from the said godown and also when no officer of the FCI has been made an accused, the allegation only based on the so called statement of the driver, who was arrested, was not proper. It was further submitted that the petitioner has no criminal antecedent.

5. Learned A.P.P. submitted that the driver has taken the name of the petitioner as the person to whom the rice belonged. However, he was not in a position to explain as to why no officer of the FCI godown from where it is alleged the rice was picked up has been made accused.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Samastipur in Samastipur Mufasil P.S. Case No. 04 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.



7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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