

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49519 of 2017

Arising Out of PS.Case No. -142 Year- 2017 Thana -POTHIYA District- KISANGANJ

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Md. Khairul, aged about 76 years, Son of Late Kabil, resident of Gorukhal,
P.S. Pothia, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 08-11-2017 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with Pothia
P.S. Case No.142 of 2017 registered under Section 7 of the E.C. Act.

The accusation is that the informant being the Block
Development Officer, Pothia, Kishanganj, received information from
the villagers of the village-Saraswati to the effect that they have
stopped the Auto Tempo loaded with 12 bags of rich, which appear to
be of Fair Price Shop of the petitioner and are being carried for black
marketing.

Learned counsel appearing on behalf of the petitioner submits
that, in fact, the villagers, on mere suspicion, stopped the Auto Tempo,
which was being driven by Mustaque Alam, on which 12 bags of rice



were loaded and the same belongs to the Fair Price Shop of the petitioner. Further submission is that Mustaque Alam, the driver of the Auto Temp, who fled away from that place on seeing the ill behaviour of the villagers, gave an application to the Block Development Officer-cum-Supply Officer, Pothia, mentioning therein that he was carrying the rice on the Tempo on purchasing the same from the villagers but he fled away due to threat of the villagers. Moreover, the stock of the Fair Price Shop of the petitioner was not verified showing the shortage of the rice in the Fair Price Shop of the petitioner. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Kishanganj, in connection with Pothia P.S. Case No.142 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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