

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34438 of 2017

Arising Out of PS.Case No. -437 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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Vijay Lal Sharma, son of Late Subhalal Sharma, resident of Village-
Thakuri Chak, Durga Asthan, P.S. Barauni Garhara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Barauni P.S.
Case No. 437 of 2016 G.R. No. 3976 of 2016 for offences
punishable under Sections 413, 414 and 34 of the Indian Penal
Code and Section 7 of the Essential Commodities Act.

The prosecution case, as lodged by the police
personnel, is that on information the railway yard was checked and
two persons were apprehended who were stealing diesel from the
railway yard for the purpose of black-marketing. They named two
other persons in the said offence. 40 liters of diesel and two empty
Galloons were recovered along with Pick Up Van used for the said



purpose. Accordingly, the seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he was the owner of the Pick Up Van, he has been made accused. He submits that the seizure list has not been prepared in accordance with Section 100 of the Cr.P.C. and that no offence under Section 7 of the Essential Commodities Act is applicable against him. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that another accused named in the F.I.R. has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 8659 of 2017 on 18.03.2017 and he is languishing in judicial custody since 15.06.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, E.C. Act, Begusarai in connection with Barauni P.S. Case No. 437 of 2016 G.R. No. 3976 of 2016, subject to the



condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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