

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37883 of 2017

Arising Out of PS.Case No. -25 Year- 2016 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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Raiful Azam, S/o Late Sheikh Mukhtar, R/o Village - Purainia, P.S. -
Mainatand, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mainatand P.S.
Case No. 25 of 2016 instituted for the offence under Section 7 of
Essential Commodities Act.

As per written report, several irregularities were
committed by the petitioner who was P.D.S. dealer. From the written
report it appears that enquiry was set up on the basis of application filed
by Sadre Alam and other co-villagers before the Sub Divisional Officer
and on that basis, the enquiry was conducted by Block Development
Officer. On the basis of enquiry report, First Information Report was
instituted pointing out several irregularities as mentioned in the enquiry
report of the Block Development Officer.

Learned counsel for the petitioner has submitted that for
such irregularities, license of the petitioner has already been cancelled,



for which, the petitioner has filed Appeal which is pending.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Mainatand P.S. Case No. 25 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bettiah West Champaran, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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