

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58036 of 2017

Arising Out of PS.Case No. -89 Year- 2017 Thana -PARAIYA District- GAYA

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1. Md. Harun @ Md. Haroon Mian, Son of Late Md. Yusuf, Resident of Village- Solara, Panchayat-Solara, P.S. Paraiya, District- Gaya (Licence No. 01/86) New 05/06.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Paraiya P.S. Case No. 89 of 2017 instituted for the offence under Section-7 of Essential Commodities Act.

It has been submitted that the petitioner is a PDS dealer and he has no criminal antecedent. There is no complaint by any of the consumers.

The informant has alleged that on the date of inspection of PDS shop of the petitioner, irregularities were found in the stock register and distribution register and it was also found that that the foodgrains were not supplied since last 16 to 20 years.

Counsel for the petitioner has pointed out towards Annexure-3 wherein it appears that no complaint was made by any of the card holders. It further appears that without issuing show cause



notice, shop of the petitioner was raided.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Paraiya P.S. Case No. 89 of 2017 to the satisfaction of learned Judicial Magistrate-Ist Class, Gaya subject to condition as laid down u/S 438(2) of the 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.

(Sanjay Priya, J)

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