

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13181 of 2017

Arising Out of PS.Case No. -471 Year- 2016 Thana -BARACHATTI District- GAYA

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Kamaldeo Prasad, Son of Late Basudeo Prasad, Resident of Village-
Barodih, P.S.- Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-03-2017 Heard both sides.

The petitioner apprehends his arrest in connection with Barachatti P.S. Case No. 471 of 2016, registered for the offence punishable under Sections 3 and 7 of the Essential Commodities Act.

The Block Supply Officer on secret information regarding storage of kerosene oil for black marketing, conducted raid and seized 160 lts. of kerosene oil from the house of the petitioner and further 200 lts. kept in a drum in the field of one Bhunish Khan adjacent to the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is a farmer and he had preserved the kerosene oil for cultivation purpose. The petitioner is not a PDS dealer and so



provision of Sections 3 and 7 of the E.C. Act do not attract. He further submits that the seizure list does not bear the signature of any of his family members. The petitioner has clean antecedent and so he deserves bail.

Learned APP, on the other hand, opposed the prayer.

Considering the nature of allegation and the fact that the petitioner is not a PDS dealer, the prayer of anticipatory bail is allowed. The petitioner, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be admitted on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, (Gaya) in connection with Barachatti P.S. Case No. 471 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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