

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.59744 of 2018**

Arising Out of PS. Case No.-15 Year-2018 Thana- BALTHAR District- West Champaran

Krishna Kumar Pandey, S/o Late Beyakar Pandey, Resident of Village-  
Dhankutwa, P.S. Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Smt. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2     28-09-2018             Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Section 7 of the Essential  
Commodities Act.

The prosecution case got initiated on the basis of written  
report dated 06.02.2018 submitted by the Block Supply Officer,  
Sikta to the Station House Officer, Balthar (West Champaran)  
Police Station is to the effect that on 04.02.2018 at 11.00 A.M.  
33 quintals of wheat were seized. It is alleged that the seized  
grains were granted by the Government for public distribution  
through the petitioner, who is a PDS dealer.

It is submitted by learned counsel for the petitioner that  
neither the seizure has been made from the petitioner nor there  
is any material that the seized grains belonged to the PDS shop



of the petitioner. The petitioner is also the Chairman of the PAC's, Sikta and maliciously the accusation has been levelled. Even assuming the accusation to be true, no offence under Section 7 of the Essential Commodities Act is made out. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the suspicious nature of accusation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Balthar P.S. Case No.15 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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