

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2123 of 2018**

Arising Out of PS. Case No.-136 Year-2017 Thana- PASRAHA District- Khagaria

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1. Pappu Sah,
  2. Sanjay Kumar @ Sallman @ Sellam Both S/o Bhushkhari Sah,  
Both are R/o Village- Bari Pasraha, P.S.- Pasraha, District-  
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. SMT PUSHPA SINHA

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

2      16-01-2018      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under section 7 of the E.C. Act.

The prosecution case as per the written report of Manjeet Maheshwari, Block Supply Officer, Parbatta, Khagaria is to the effect that S.D.O., Gogri informed the informant that in the house of Pappu Sah and Sanjay Kumar, rice of PDS supply are being kept. Subsequently, raid was laid and from the house of petitioner no. 1, 40 bags of Arba rice tied with rope was recovered whereas from the house of petitioner no. 2, twenty bags of rice were recovered. It is also alleged that both the persons threatened the informant and thereby obstructed in discharge of the official duty.

It is submitted by learned counsel for the petitioners that only



on suspicion the seizure has been made. Keeping Arba rice in the house does not constitute any offence. The petitioners are not PDS dealers and if no order under the E.C. Act has been violated, no offence under any section of the Act is made out. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the rice was recovered from the houses of the petitioners.

Considering the fact that the petitioners are not PDS dealers and the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Khagaria in connection with Pasraha P.S. Case No.136 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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