

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20483 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- BAUSI District- Purnia

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Pawan Kumar Nayak @ Pawan Nayak S/o Satya Narayan Nayak, R/o
Village- Sanghat Chowk, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mrs. Pronati Singh, APP 44

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor.

The petitioner is apprehending his arrest in connection
with Baisi P.S. Case No. 27 of 2018 for offence punishable
under Section 7 of the Essential Commodities Act.

The prosecution case as per the written report of the
Block Supply Officer, Baisi, to Station House Officer, Baisi
Police Station, Purnea, on 23.01.2018 at 07.45 P.M., to the
effect that on the secret information two trucks were intercepted
and from both the trucks, 681 bags of rice were found. The
petitioner never turned-up to claim the seized rice which was
being transported without any valid invoice and was suspected
that the rice was belonging to the Government.

It is submitted by the learned counsel for the



petitioner that the rice is not a controlled item. There is nothing on record to show that the seized rice was a Government supply. The petitioner is a registered rice trader and only on the basis of suspicion, the accusation has been made and, since, the petitioner is not a Public Distribution System Dealer, there is no question of offence under Section 7 of the Essential Commodities Act.

Considering the facts and circumstances of the case, the prayer of the petitioner for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioner, named above, before the Court below, within four weeks from today in connection with **Baisi P.S. Case No. 27 of 2018**. 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 the **Subdivisional Judicial Magistrate, Purnea**, subject to the conditions as laid down under Section 438(2) Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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