

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13726 of 2018

Arising Out of PS. Case No.-113 Year-2017 Thana- PASRAHA District- Khagaria

Niranjan Sah, Son of Jawahar Sah, Resident of Village- Satish Nagar, P.S.-
Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Sri Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with
Pasraha P.S. Case No. 113 of 2017 for the offence under section
7 of the E.C. Act.

Learned counsel for the petitioner submits that
petitioner has no criminal antecedent. He submits that from the
FIR, it appears that police has seized a Tempo over which 31
bags of Arwa rice was loaded and each bag containing 60 kg.

Learned counsel for the petitioner submits that rice
was allegedly belonged to National Food Security Plan under
PDS system.

Learned counsel submits that there is no distinctive
feature to indicate that it was the rice for PDS system.



Moreover, nothing was recovered from the possession of the petitioner and there is only allegation against this petitioner is that the Tempo driver has disclosed the name of the petitioner from where the said rice was allegedly purchased. Learned counsel submits that the petitioner is labourer and he does not carry any shop for sale of rice and as such the allegation against the petitioner is patently false.

Considering the totality of facts situation and the fact that the petitioner has no criminal antecedent as stated in para-3 of the petition, let the petitioner, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Khagaria, in connection with Pasraha P.S. Case No. 133 of 2017 subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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