

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12105 of 2018

Arising Out of PS. Case No.-179 Year-2017 Thana- THAWE District- Gopalganj

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Rameshwar Upadhyay, son of late Ambika Upadhyay, Resident of Village-
Uchhahal Tola, P.S.-Thawe, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-02-2018 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 25.11.2017 submitted by Majharul Haque to the
Station House Officer, Thawe Police Station to the effect that on
25.11.2017 at 6.50 P.M., a secret information was received that
in the petitioner's PDS dealership, the government supplied
grains are being kept in empty bags for being black marketed.
Subsequently, the go-down of petitioner was raided, from where



23-Plastic bags of rice each containing 50 kg, 3 plastic bags each containing 50 kg. rice, 19 gunny bags of 40 kg rice each were recovered. 20 empty bags were also recovered from there which suggest that the same were kept for emptying the government sealed bags of rice.

It is submitted by learned counsel for the petitioner that the FIR does not suggest that any discrepancy in the stock was found and only on suspicion, since the empty bags were present in the go-down, the FIR has been lodged. 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 Mr. J. N. Thakur learned APP for the State that the accusation in the FIR constitutes the offence under Section 7 of the Essential Commodities Act.

Considering the accusation based on suspicion, 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 SDJM, Gopalganj, in



connection with Thawe P.S. Case No.179 of 2017, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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