

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20831 of 2018

Arising Out of PS. Case No.-439 Year-2015 Thana- MUFFASIL District- West Champaran

Kailash Prasad @ Raj Kumar, S/o Lakhan Prasad, R/o Village- Sukrauli,
P.S.- Hata, Hata, District- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

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

It is alleged that from the premises of Flour Mill of the petitioner 30 quintals of wheat, suspected to be of the FCI supply, were recovered.

It is submitted by learned counsel for the petitioner that there is nothing on record to suggest that, the wheat seized from the premises of the petitioner, was of FCI's supply. The impugned order also does not suggest that any shortage of wheat in FCI godown has been found. The petitioner is not named in the FIR and his name subsequently sprang up in the



confessional statement of co-accused, Munna Paswan. Even assuming the accusation, 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 the co-accused has suggested the name of the petitioner.

Considering the aforesaid facts, 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, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No.439 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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