

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51487 of 2017

Arising Out of PS.Case No. -417 Year- 2017 Thana -BODHGAYA District- GAYA

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1. Usha Devi Wife Sri Jitendra Singh Resident of Village-Katorwa
Mocharim, P.S.-Bodh Gaya, Dist.-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bodh Gaya P.S. Case
No. 417 of 2017 instituted for the offence under Section-7 of the
Essential Commodities Act.

It is alleged that Kamal Jivika Mahila Gram Sansthan,
Katorwa Panchayat, Mocharim, Gaya has received 533.25 litres of K.
Oil on 22-06-2017 for the month of June, 2017 to distribute the same to
his consumers and during inspection, three empty drums were found
lying out side the shop and owner of the shop (petitioner) did not
produce stock register and distribution register.

Counsel for the petitioner has submitted that the petitioner
is the Secretary of the aforesaid Kamal Jivika Mahila Gram Sansthan,
Katorwa Panchayat, Mocharim, Gaya and the same was closed due to
illness of the petitioner. The SDO, Gaya has inspected only outside of



the shop. He has not seen the K. Oil and stock register which was inside the shop and at the time of inspection, the shop was closed. The petitioner has successfully distributed the K. Oil for the month of May and June, 2017. The petitioner has filed Annexure-2 with supplementary affidavit and has submitted that K. Oil for the month of May and June, 2017 has been distributed among the consumers.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Bodh Gaya P.S. Case No. 417 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable cause, will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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