

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22099 of 2018

Arising Out of PS.Case No. -171 Year- 2017 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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Raja Babu Gupta, son of Ram Padarath Sah, resident of Anand Bagh Colony, Ahiyapur, P.S.- Mushari, District- Muzafterpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the State : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Industrial Area P.S. Case No.171 of 2017 registered under Section 7 of the Essential Commodities Act and Sections 420 and 120-B of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that save and except the allegation that the petitioner is the owner of Bolero Pick-up van bearing registration no.BR06GB-6150 upon which forty five bags of rice were found loaded, nothing has been alleged against the petitioner. He submitted that so far as the petitioner is concerned he was neither present at the place of



occurrence nor is in know of the fact as to what was being carried by the driver of the vehicle. He is in transport business and the vehicle was being taken care of by his driver. He submitted that even otherwise there is no restriction on re-use of the gunny bags having mark of FCI. Moreover, no licence is required for trade of wheat and rice with effect from 15.02.2002.

On the other hand, learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial Area P.S. Case No.171 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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