

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23162 of 2018

Arising Out of PS.Case No. -121 Year- 2016 Thana -MAUZAHIDPUR District- BHAGALPUR

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1. Abdul Razzaque @ Abdul Razzak S/o Late Dost Mohammad, R/o Mohalla- Nawab Colony, Maulana Chak Road, P.S.- Habibpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 7 of E.C. Act.

The prosecution case as per the written report of Shyam Sunder Sah, Block Supply Officer, Sabour dated 18.07.2017 is to the effect that he found four trucks loaded with rice, in suspicious condition and some rice bags were found super scribed to be BSFC, Banka, Baba Basnkinath Rice Mill, Banka and Dev Rice Mill Sultanpur. On another truck, some rice was found, when it was identified that the Government supply rice is being transported, leading to the registration of FIR against three persons in front of whose godown, the trucks was found. One of the truck being Truck No.WB 65A 7067 was also seized. The petitioner



then preferred Cr.W.J.C. No.1239 of 2017 for its release and in pursuance to the order passed by the Court on 21.08.2017(Annexure-4) the truck was released by Id. S.D.J.M., Bhagalpur. Hence, the petitioner apprehends that he may be arrested. It is next submitted that even assuming the accusation, no offence under Section 7 of the E.C. Act is made out against the petitioner. Petitioner is not a dealer. He is simply the owner of the truck.

Learned A.P.P. submits that black marketing was going with the aid of the truck of the petitioner.

Considering the facts aforesaid and the nature of accusation in paragraph 3, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks 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, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No.121 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Sanjeev/-

(Dinesh Kumar Singh, J)

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