

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23752 of 2018

Arising Out of PS.Case No. -156 Year- 2018 Thana -MOTIPUR District- MUZAFFARPUR

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Amresh Kumar, Son of Vishwanath Prasad Chaurasia, Resident of Village-Senduari Purushottam, Ward No.8, P.S.- Motipur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code and Section 7 of Essential Commodities Act.

The prosecution case as per the written report of Block Supply Officer, Motipur dated 08.03.2018, submitted to the Station House Officer, Motipur P.S., is to the effect that on 07.03.2018 at 11.30 in the night on secret information the hutment of the petitioner was raided from where AC Van loaded with three drums of kerosene, total measuring 450 litres were recovered.



It is submitted by learned counsel for the petitioner that the petitioner neither claims the kerosene oil nor the Van. Moreover, the hutment has no door or locking system and above all even assuming the accusation to be true, no offence under Section 420 of the Indian Penal Code or Section 7 of E.C. Act is made out.

Learned APP, however, submits that recovery has been made from the hutment of the petitioner.

Considering the nature of recovery, particularly from the hutment which cannot be treated a place in absolute possession of the petitioner, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate (West), Muzaffarpur in connection with Motipur P.S. Case No. 156 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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