

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45250 of 2018

Arising Out of PS.Case No. -178 Year- 2018 Thana -KHAZANIHAT District- PURNIA

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1. Chunna Nayak @ Srichand Nayak son of Late Mohan Lal Nayak resident
of Mohalla - Naya Tola, P.S. - Town, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in K. Hat P.S. Case
No. 178/2018, instituted for the offence punishable under Section 7
of the E.C. Act.

It is alleged in the written report that two tractors
covered with *Tirpal* were found parked in front of Kiran Dharam
Kanta, Maranga, N.H. 31, Purnea. On query drivers of the aforesaid
tractors disclosed that these tractors contained Arba Chawal. They
further disclosed that the tractors belong to the petitioner and they
had loaded the rice from Naya Tola and have direction to unload the
same in the godown of one Banti Singh. They did not produce any
paper with regard to rice.

Learned counsel for the petitioner has submitted that



petitioner is the owner of the tractors. He has no concern with the seized Arwa Rice. He plies his tractors for his livelihood. His tractors were hired by M/s Adarsh Trading, Naya Tola, Katihar.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with K. Hat P.S. Case No. 178/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Purnea, subject to the conditions as laid down under Section 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 reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper 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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