

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52332 of 2018

Arising Out of PS.Case No. -261 Year- 2018 Thana -SIWAN CITY District- SIWAN

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Ali Ahmad S/o Late Shakur Ahmad, R/o Mohalla- Fatehpur Ward No. 33,
P.S.- Siwan Town, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-09-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Section 7 of Essential Commodities Act.

The prosecution case, in brief, is that in four drums each
containing 200 litres of K. Oil kept at the land of the petitioner
was recovered. On enquiry from daughter of the petitioner about
the said K. Oil, it was revealed that the said K. Oil belongs to the
co-accused Md. Salim.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The
petitioner has been made accused in this case due to mistake of



fact. 800 litres of K. Oil is alleged to have been recovered, which is said to be of co-accused namely, Md. Salim. The petitioner is alleged to be owner of the land in question. There is no other substantial evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail 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, Siwan in connection with Siwan Town P.S. Case No. 261 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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