

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57916 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- BALUA BAZAR District- Supaul

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1. Md. Irfan @ Md. Irfan Alam, S/o Abdul Hasan, R/o Vill.- Taran (Masjid Tola), P.S.- Jokihat, District- Araria.
 2. Jamal @ Md. Jamal S/o Illiyas, R/o Vill.- Dumaria, P.S.- Mahalgaon, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Smt. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

The prosecution case got initiated on the basis of written report dated 28.03.2017 submitted by Nagendra Choubey, the Block Supply Officer to the Station House Officer, Balua Bazar Police Station is to the effect that the public stopped a vehicle suspected to be loaded with liquor and handed over to the Panchayat Mukhiya. Subsequently, the informant inspected the truck in question and recovered 55 bags of rice having stamp of FCI. Hence, it was suspected that it is a Government supply



rice.

It is submitted by learned counsel for the petitioners that the rice was purchased rice of the petitioners and there is no complaint from any quarter that it is a Government rice. Petitioner no.1 is owner of the vehicle, whereas, petitioner no.2 is the driver of the vehicle. Since, the rice bags were bearing FCI logo, the accusation has been levelled. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the nature of seizure coupled with suspicious nature of accusation and the petitioners claim to be the owner and driver of the vehicle in question, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Supaul in connection with Balua Bazar P.S. Case No.12 of 2017/G.R.



No.678 of 2017, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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