

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57283 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Raj Kumar Ram Son of Shri Sone Lal Ram Resident of Village-Somnaha, P.S.- Chakmehshi, Distt.-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Prem Kumar Jha
For the informant :

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Chakmehsi P.S. Case No. 7 of 2017 instituted for the offence under Section-7 of Essential Commodities Act.

It is alleged in the written report that 41 bags of rice was intercepted in pick up Van each containing 50 kg. It is alleged that all those bags were of FCI and were taken from shop of this petitioner who is a PDS dealer.

Counsel for the petitioner has submitted that neither the stock register nor distribution register have been verified from the shop of the petitioner. This petitioner has no criminal antecedent and merely on the basis of suspicion and allegation made by the informant he has been implicated in the case. He has enclosed Annexure-2 which shows that one Upendra Das has claimed those rice to have been purchased



from M/S Vishundeo Rice Mill.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Chakmehsi P.S. Case No. 7 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur subject to condition as laid down u/S 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 liable to cancel bail bond of the petitioner and (3) if petitioner tampers 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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