

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4801 of 2018**

Arising Out of PS. Case No.-122 Year-2017 Thana- SRI NAGAR District- Madhepura

Md. Akhlaque, Son of Md. Hashil Alias Md. Hashim Khan, Resident of  
Village Rahta Tola Ward No.1, P.S.- Shrinagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. SRI MUSTAQUE ALAM

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      09-02-2018              Heard learned counsel for the petitioner and the State.

The petitioner seeks pre-arrest bail in connection with Srinagar P.S. Case No. 122 of 2017 dated 08.11.2017 instituted for the offence under Section 7 of the Essential Commodities Act.

From the FIR, it appears that on secret information that foodgrains of the government has been illegally stored in the house of the petitioner, the house of the petitioner was raided. In front of his house, a truck was found parked over which 67 bags of rice of the government was found to be loaded. On seeing the raiding party, the driver as well as the labourers unloading the bags left the place of occurrence. Thereafter, it has been alleged in the FIR that a godown in the house of the petitioner was raided and it was found that some bags of rice and wheat were stored there.



Learned counsel for the petitioner has submitted that there is no control order or limit with respect to the storage of rice and wheat and there is nothing in the FIR to suggest that those bags which were found in the godown of the house of the petitioner was of the government (SFC or FCI). That apart, learned counsel for the petitioner has submitted that it is a joint house which is in occupation of his five brothers and father. The petitioner is not a PDS dealer and learned counsel for the petitioner has submitted that the present prosecution is absolutely misconceived.

Considering the aforesaid facts the petitioner above named is directed to be released in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 122 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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(Ashutosh Kumar, J)

