

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37962 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- BANKA District- Banka

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Hemant Sah, S/o- Late Anant Sah @ Late Anand Sah, R/o- Mohalla-
Vijaynagar, Ward No. 20, P.S.- Banka, District- Banka. Petitioner
Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2018

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Section 7 of E.C.
Act.

The prosecution case as per the written report of
Block Supply Officer, Banka, submitted to Station House
Officer, Banka, on 10.02.2018, is to the effect that the District
Supply Officer, Banka, gave information to the informant on
10.02.2018 at 8 P.M. that Government Supply Rice has been
stored in the house of the petitioner. Consequently, the
informant raided the house of the petitioner and seized fifty five
bags of rice total weighing 23 quintals 28 kgs, kept in the jute
and plastic bags. On several bags stamp of F.C.I. has been



found.

It is submitted by the learned counsel for the petitioner that only on suspicion, the F.I.R. has been lodged. The rice belongs to the petitioner. Even assuming the accusation to be true, no case under Section 7 of the EC Act is made out against the petitioner.

Learned A.P.P. submits that bags of rice with stamp of FCI were recovered from the house of the petitioner.

Considering the suspicion nature of accusation and prima facie the accusation does not constitute any offence under the Section 7 of Essential Commodities Act, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka, in connection with Banka P. S. Case No.99 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P. C.

(Dinesh Kumar Singh, J)

Amrendra/-

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