

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70117 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

Nageshwar Yadav, Son of Karu Yadav, Resident of Village- Shiv Nagar
Gonawan, P.S.- Nawada Town, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
Dr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Sri Parmanand Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, as per the written report of Asif Ekbal, Block Supply Inspector, submitted to the Station House Officer of Muffasil Police Station, Nawada is to the effect that the informant raided the godown of the petitioner and recovered 14 bags of wheat and one bag of rice and adjacent to the said godown from one Tata ACE vehicle 34 bags of wheat were recovered, but no driver and cleaner were found there. Subsequently, 13 bags of wheat and 32 bags of rice weighing 50 kg each were recovered from the Kendua bypass adjacent to the



Jai Mata Di Weight and Measure Platform.

It is submitted by learned counsel for the petitioner that the petitioner is not a PDS dealer and the grains were stored in the godown but maliciously the case has been lodged and earlier also similar case has been lodged against the petitioner. Though, statement has been in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, but a supplementary affidavit has been filed to the effect that earlier also in similar nature of offence the petitioner has been roped in as an accused.

The learned counsel for the petitioner is permitted to make necessary correction in paragraph 3 of the petition.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the nature of accusation and the quantity of recovery, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Muffasil P.S. Case No. 139 of 2018,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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