

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1687 of 2018

Arising Out of PS.Case No. -244 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

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Dilip Mandal, S/o Dinesh Mandal, R/o Village- Vijay Nagar, P.S. + Distt.-
Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 11-01-2018

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 informant being Officer-in-Charge of
Jagdishpur Police Station intercepted a Pick-up Van loaded with
pulse and 64 backs of rice. One Sukhai Sah initially claimed the
rice to be purchased from local market Banka but did not
disclose the name of driver and owner of vehicle. The petitioner
claimed to be driver and owner of the vehicle and rice which has
been purchased from M/S Shiv Shakti Rice Mill, Kenduar,



Banka. Considering the inconsistent stand of the both the persons, the FIR was registered suspecting that PDS rice is being transported by changing packets.

It is submitted by learned counsel for the petitioner that had the petitioner appeared on the place of seizure then there was no occasion for the informant not to arrest the petitioner. Petitioner is simply owner of the vehicle in question. The petitioner was not present on the place of seizure and the petitioner does not claim the rice in question. Moreover, the petitioner is not PDS dealer hence, the case under Section 7 of the E.C. Act is not made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that the seizure was not made in presence of the petitioner and he was simply owner of the vehicle in question, 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, Bhagalpur in connection with Jagdishpur P.S. Case No. 244 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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