

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55521 of 2018

Arising Out of PS.Case No. -199 Year- 2018 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Parmanand Prasad S/o Late Pyare Sao, R/o Mohalla - Ramchandrapur, P.S.-
Laheri, District- Nalanda at Biharsharif.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard Mr. N.K. Agrawal, learned senior advocate for
the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Laheri P.S. Case No. 199 of 2018 registered under Section
7 of the Essential Commodities Act and Sections 409 and 420 of
the Indian Penal Code.

Mr. N.K. Agrawal, learned senior advocate
submitted that the petitioner is carrying on business in wheat and
rice since long. He is proprietor of M/s Laxmi Bhandar and the
firm of the petitioner is also registered with the Sales Tax



Department. It has been granted GST No. The rice in question was purchased by the firm of the petitioner on 07.07.2018 from M/s Sunny Rice Mill of Nawada. The empty bags which were seized were purchased from M/s Patel Agri Industries Pvt. Ltd., Noorsarai, Biharsharif on 06.07.2018 and that too after payment of GST etc. The rice has been seized on mere suspicion that there is mark of State of Punjab on the gunny bags. He contended that merely because there was mark of State of Punjab, the same would not constitute any offence, as there is no restriction on reuse of the bags having marks of FCI or any State Government. Only on that count, no presumption can be raised against the petitioner that the rice in question was subsidized or the same belonged to government scheme.

On the other hand, learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that there is allegation that the petitioner was indulged in black marketing of subsidized food grains and huge quantity of rice was recovered from his firm which were packed bags carrying mark of State of Punjab.

Be that as it may, since there is no reported pilferage and there is no movement control, storage limit, requirement of license, maintenance of stock register, issuance



of cash memo, display of stock and price position, etc. on rice, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Nalanda at Biharsharif in connection with Laheri P.S. Case No. 199 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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