

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60038 of 2018

Arising Out of PS.Case No. -319 Year- 2018 Thana -NAUBATPUR District- PATNA

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Awadhesh Sharma S/o Late Kedar Nath Singh, R/o Vill.- Bela Tarari,
Naubatpur, P.S.- Naubatpur, District- Patna-801109.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Naubatpur P.S. Case No. 319 of 2018 for offences alleged under
Section 420 of the Indian Penal Code and Section 7 of the
Essential Commodities Act.

The prosecution case, as lodged by the informant who
is the Supply Officer, Naubatpur is that the petitioner is a PDS
dealer and on 02.07.2018 10 bags each containing 50 kg was
found loaded in a tempo which had the label of Bihar State Food
Corporation which was being transported for black-marketing by
the petitioner. Thereafter, the shop of the petitioner was inspected



and 60kg of paddy was found in excess, 170 liters of kerosene oil was found in excess, 25 bags of wheat was found in excess and 45 sacks each containing 50 kg of paddy were found in excess.

It has been submitted by the learned counsel for the petitioner that he is innocent, no case of black-marketing is made out and neither Section 420 of the I.P.C. is applicable as the excess was on account of non-distribution of essential commodities as the petitioner had fallen sick in the previous month, as such, the supply for that month could not be made. He further submits that the allegation of black-marketing is not made out as the paddy which was confiscated and seized did not belong to the petitioner as on inspection, the supply of essential commodities in the PDS shop was found in excess.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 2nd, Danapur, in connection with Naubatpur P.S. Case



No. 319 of 2018, subject to the conditions as laid down under
Section 438 (2) Cr. P.C.

(Nilu Agrawal, J)

Devendra/Priyanka

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