

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21339 of 2018

Arising Out of PS.Case No. -281 Year- 2017 Thana -TEKARI District- GAYA

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Subhash Kumar Son of Karu Chaudhary Resident of village- Lashkarganj,
P.S. Tekari, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary of Good and Supplies Department, Govt. of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 27-04-2018 Heard the learned counsel for the petitioner, the learned A.P.P. for the State as also the learned counsel for the opposite party no.2.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Tekari P.S. Case No. 281 of 2017 for the offences punishable under sections 7/9 of the Essential Commodity Act.

Allegedly, the petitioner being driver of the pick-up van bearing no. BRO2W-0601 transported the rice of S.F.C from Tekari godown to Maa Tara Rice Mill, Kespa two times.

Submission is of false implication and that from the FIR itself it reveals that the statement of the petitioner was recorded wherein he has stated that he has transported animals twice and went to Kespa, the petitioner is a poor driver having no



concern with the alleged occurrence, similarly situated co-accused Nipu Kumar @ Nippu Kumar, driver of pick-up van bearing registration no. BR-O2Q-6353 has been allowed pre-arrest bail vide Cr. Misc. No. 12658 of 2018 by order dated 08.03.2018 by another co-ordinate Bench of this Court and as such the petitioner having no criminal antecedent also deserves sympathetic consideration.

The learned counsel for the opposite party no.2 submits that the petitioner has transported the rice of S.F.C. illegally.

The learned A.P.P. fairly conceded that similarly situated co-accused Nipu Kumar @ Nippu Kumar has been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall 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 C.J.M, Gaya in connection with the aforementioned case, subject to the conditions as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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