

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2972 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- BELHAR District- Banka

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ARUN YADAV @ ARUN KUMAR YADAV, s/o. Mohan Yadav Resident of
Hathiagarh, PS Belhar, District - Banka , Proprietr of Ms Jai Baba Basukinath
Trader and Rice Mill at Darha, PS Belhar District - Banka

... .. Petitioner/s

Versus

The State of Bihar Biah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Section 7 of the E.C.Act registered in connection with Belhar P.S.
Case No. 257 of 2018.

3. It is submitted that the petitioner has been falsely implicated
on mere suspicion in connection with recovery of arwa rice found
loaded on a truck and pickup van standing in the premises of the
petitioner's rice mill. It is stated that the petitioner is legally carrying
on the business of Rice Mill and is registered both with the Sales Tax
Department as well as the Income Tax Department. All the bags of rice
bear the name of the petitioner's Rice Mill under brand name of the
rice namely, "Shankar Brand". The petitioner is not a PDS dealer and
the rice in question was not procured from FCI or any other
Government Agency. It is submitted that some empty bags bearing FCI
mark recovered from the mill premises cannot be the basis for adverse
inference, as such bags are easily available in the open market. The
petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and
circumstances, in the event of the petitioner's arrest or surrender



before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Banka in connection with Belhar P.S. Case No. 257 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Chandran/-

(Vikash Jain, J)

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