

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7921 of 2019**

Arising Out of PS. Case No.-639 Year-2018 Thana- BODHGAYA District- Gaya

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ARVIND KUMAR @ ARVIND KUMAR YADAV @ ARVIND KR. YADAV  
Hari Yadav @ Hari Prasad Yadav resident of Village - Tika Bigha, P.S.- Bodh  
Gaya, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh  
For the Opposite Party/s : Mr.Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      22-04-2019      Heard the parties.

The petitioner is apprehending his arrest in connection with Bodh Gaya P.s.Case No.639 of 2018 dated 4.11.2018 , registered for offences punishable under Section 409 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

Allegation against the petitioner is that 12 quintal of rice were recovered from the tempo and the driver disclosed that he has loaded the rice from the shop of the petitioner and the petitioner happens to be owner.

Submission of the learned counsel for the petitioner is that no offence under Section 7 of the Essential Commodities Act and Section 409 of the IPC is made out against the



petitioner and he is not PTS Dealer nor government servant and he has been made accused only on the basis of confessional statement of the Driver.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Bodh Gaya P.S.Case No.639 of 2018 dated 4.11.2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid observation, this application is allowed.

**(Vinod Kumar Sinha, J)**

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