

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7385 of 2019

Arising Out of PS. Case No.-17 Year-2016 Thana- BAHERA District- Darbhanga

Kamlesh Yadav @ Kameshwar Yadav, S/o Munar Yadav, village-
Jayantipur, P.S-Bahera, Distt.-Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Bahera P.S. Case No. 17 of 2016
registered for the offence punishable under Sections 7 of the
Essential Commodities Act.

Learned counsel for the petitioner submits that FIR
has been lodged under Section 7 of the Essential Commodities
Act as according to the informant, 82 bags of rice having a total
quantity of 40.56 quintals and 25 bags of wheats of which the
total quantity was 12.5 quintals have been seized from the
Khatal of the petitioner.

Learned counsel submits that the petitioner is not a
public distribution shop dealer and wheat and rice are not the



controlled items, therefore, there is no question of the petitioner being held liable under the provisions of Section 7 of the EC Act.

Learned APP for the State has opposed for bail.

In the given facts and circumstances of the case, taking note of the fact that wheat and rice are not the controlled items, this Court is willing to grant privilege of anticipatory bail to the petitioner. Let the petitioner above named, in case of his arrest or surrender within a period of four weeks from today, shall enlarged on bail on furnishing bail bond of Rs. 15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Benipur in connection with Bahera P.S. Case No. 17 of 2016, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be subject to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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