

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9395 of 2019

Arising Out of PS. Case No.-499 Year-2018 Thana- BAGHA District- West Champaran

MD. ISHAQUE

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 02-07-2019 This is an application for grant of anticipatory bail in connection with Bagaha (Patkhauli) P.S. Case No. 499 of 2018, disclosing offences under Section 7 of Essential Commodities Act, 1981 and Section 16 (1) (A) (ii) of the Food Adulteration Act, 1954.

Allegation as per the F.I.R. against the petitioner, who happens to be the Godown In-charge of the B.S.F.C. is that on enquiry by the S.D.O. Bagaha, 128 bags of wheat was in excessive and 547 bags of rice was found less and the several bags were found mixed with rice and wheat.

Submission of learned counsel for the petitioner is that during the search, the wheat and rice fell on the floor and the same were mixed, due to that some shortage has been found and for that he is ready to co-operate with the authority, if he is granted anticipatory bail.

Learned counsel appearing on behalf of the B.S.F.C.,



who has opposed the prayer for bail on the ground that in view of the statement made in paragraphs 19 to 21 of the petition, the rice was found in shortage of 421 bags and wheat in excessive of 374 bags.

In such view of the matter, let the petitioner, above named, surrender and make payment of Rs.1,00,000/- (Rupees One Lakh) as a security in the Court, the learned court below shall be released him on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran (Bettiah), in connection with Bagaha (Patkhauri) P.S. Case No. 499 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with further condition that he shall co-operate with the investigation and once charge sheet has been submitted also during the trial.

It is needless to say that the aforesaid amount shall be subject to the result of this case.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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