

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13696 of 2019**

Arising Out of PS. Case No.-265 Year-2018 Thana- MANIGACHI District- Darbhanga

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Rajiv Kumar Gupta, son of Ram Bilas Sahu, resident of Village - Narayanpur,
P.S.- Manigachhi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-03-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Manigachhi P.S. Case No. 265 of

2018 dated 19.12.2018 instituted for the offences under 7

of the Essential Commodities Act, 1955.

Sixteen bags of rice is said to have been

recovered from a vehicle which is stated to be of the

petitioner.

The petitioner is a PDS shop dealer.

It has been submitted on behalf of the petitioner

that without disputing the factum of recovery and the

ownership of the aforesaid sixteen bags of rice, no offence



under Section 7 of the Essential Commodities Act can be made out in the absence of any definite proof of the fact that the bags of rice which have been recovered, was the grains of the State Food Corporation, which was to be sold under control under the PDS mechanism. It has further been submitted that petitioner may be a PDS dealer but for his own consumption, he has purchased the aforesaid food-grains from the market on payment of price. In support of the aforesaid submission, some documents have been brought on record to prove the veracity of the aforesaid assertion.

Considering the aforestated facts as also taking into account the clean antecedents of the petitioner, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Vth, Darbhanga in connection with Manigachhi P.S. Case No.



265 of 2018, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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