

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14330 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- SHAMBHUGANJ District- Banka *

Rajeev Kumar Pandey, Son of Mangal Prasad Pandey @ Mangal Pandey, R/o
village- Bhumi-hara, P.O- Parmanandpur, P.S- Shambhuganj, Distt.- Banka
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dhananjaya Nath Tiwari, Adv. Mr. N.K. Agarwal, Adv.
For the Opposite Party/s :	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 7 of the Essential Commodities Act.

The prosecution case, as per the written report of Bijay Bahadur Singh, Block Supply Officer, dated 09.11.2018 submitted to the Station House Officer, Shambhuganj Police Station, is to the effect that on 08.11.2018, the informant received a confidential information by the Sub-Divisional Officer regarding illegal sale of food grains. Consequently, a raid was laid in the premises of M/s Baba Rice Mill wherein, two pickup vans loaded with 140 bags of wheat were parked. It is further alleged that from the said premises of the rice mill,



786 bags of rice and 22 empty bags were found stored, having logo of Government of Punjab. The name of the petitioner was disclosed by the nearby people as the owner of the Rice Mill in question from where the alleged recovery was made. It is also alleged that on demand, no documents with regard to storage of rice were produced, hence it was suspected that the recovered food grains is of Government Scheme rice. Subsequently, the seizure was made and the FIR was registered against the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner is not a PDS dealer and he use to purchase the paddy for preparation of rice from the local farmers. It is further submitted that the petitioner is involved in the business of sell of food grains and also obtained GST Registration Number from the Competent Authority. It is also submitted that although the seizure of empty bags having logo of Government of Punjab or FCI made from the premises of the Rice Mill in question, but there is no restriction of re-use of the said bags, hence, even assuming the accusation to be true, no offence under Section 7 of the Essential Commodities Act is made out against the petitioner.

It is submitted by the learned APP for the State that the



recovery of bags containing rice and wheat having logo of Government of Punjab and FCI was made from the premises of the Rice Mill of the petitioner.

Considering the fact that the accusation has been levelled on the basis of mere presumption, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **Sub-Divisional Judicial Magistrate, Banka** in connection with **Shambhuganj P.S. Case No.261 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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