

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16573 of 2019

Arising Out of PS. Case No.-680 Year-2018 Thana- HILSA District- Nalanda

VIRENDRA KUMAR, aged about 63 years, Male, Son of Late Rameshwar Prasad, Resident of At and P.O.-Hilsa, Patel Nagar, Near BSNL Office, P.S.-Hilsa, District-Nalanda ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. P.K. Shahi, Sr. Adv. with
Mr. Rohit Mishra, Adv.
For the Opposite Party : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 28-08-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Hilsa P.S. Case No. 680 of 2018 for the offence alleged under Section 7 of the Essential Commodities Act.

The accusation is that 12.10.2017, sample of petrol was taken from M/s Muneshwar Automobile Pump, Hilsa, belonging to the petitioner, by the then Block Supply Officer, and the sample was sent to Forensic Science Laboratory, Patna, in the light of letter no. 919, dated 13.10.2018, of Subdivisional Officer, Hilsa, Nalanda. In examination of sample, petrol, along with kerosene oil, was detected in the light of the sample of the liquid, contained in plastic bottles, which merely indicates about adulteration in the petrol pump, which is punishable under



Section 7 of the Essential Commodities Act.

Learned counsel appearing for the petitioner submits that petitioner is the proprietor of M/s Muneshwar Automobile Pump, Hilsa. After the alleged inspection of M/s Muneshwar Automobile Pump, Hilsa, and taking the sample by the then Block Supply Officer on 12.10.2017, the petrol pump of the petitioner was seized. Thereafter, petitioner filed C.W.J.C. No. 21940 of 2018 before this Court which was allowed on 11.04.2019 by quashing the order of seizing of petrol pump with observation that in pursuance to the impugned order first information report has already been lodged. Since, this Court sitting in different roaster and jurisdiction, the Court will restrain itself from making any comment with respect of the said first information report as it would be a matter lying in a different jurisdiction. Further, submission is that petitioner is accused in Hilsa P.S. Case No. 163 of 2009 in which the police, after investigation, submitted the final form.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of six weeks from today, in



connection with Hilsa P.S. Case No. 680 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate/Subdivisional Judicial Magistrate, Hilsa, Nalanda, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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