

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21481 of 2019**

Arising Out of PS. Case No.-164 Year-2018 Thana- CHAKAI District- Jamui

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GOPAL MANDAL son of Babulal Mandal, Resident of Village- Gadi, P.S.-
Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Sahay

For the Opposite Party/s : Mr.Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 26-06-2019 This application, for grant of anticipatory bail,

arises out of Chakai P.S. Case No. 164/18, disclosing offences

under Section 7 of the Essential Commodities Act.

Petitioner happens to be a dealer under Public
Distribution System and allegation is of recovery of 180 Kgs of
Arwa-rice kept in four bags for black marketing.

Submission of learned counsel for the petitioner
manner of investigation and lodging of the case is itself doubtful
and further the recovery has been made from a Tempo, in which,
others were also sitting and it could not be said that the said rice
belonged to petitioner.

Learned counsel for the State opposed the prayer
for bail and submitted that the petitioner himself admitted that
the recovered rice belonged to him.



Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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