

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19605 of 2019

Arising Out of PS. Case No.-250 Year-2018 Thana- SHAHKUND District- Bhagalpur

Birendra Kumar Sah @ Virendra Sah, Aged about 45 years, M, Son of Lakhan Lal Sah, Resident of village- Munsipatti, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 7 of the Essential Commodities Act registered in connection with Sahkund P.S. Case No. 250 of 2018.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 30 quintals of *Arwa* rice loaded on the vehicle bearing registration no. BR10GA-8645 merely because he happens to be the owner of the vehicle. The petitioner was not present at the spot at the time of occurrence rather driver of the vehicle was arrested. It is submitted that the vehicle had been provided to the driver to run on hire. PDS dealer, co-accused Ram Pratap Paswan, has been granted anticipatory bail by this Court vide order dated 13.02.2019 passed in Cr. Misc. No. 8056 of 2019. The petitioner claims clean antecedents.

4. Learned APP opposes the prayer of the petitioner submitting that PDS dealer has been granted anticipatory bail on the submission that only four quintals of rice was found shortage in the stock register. It is, therefore, submitted that rice belonged to the



petitioner, who was the owner of the vehicle on which the same was loaded.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

6. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

BT/Chandran/-

(Vikash Jain, J)

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