

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22722 of 2019

Arising Out of PS. Case No.-621 Year-2018 Thana- NAUBATPUR District- Patna

BHARAT PASWAN Son of Musafir Paswan Resident of Village - Anantpura,
P.O. - Amarpura, P.S.- Naubatpur, Amarpura, District - Patna, 801117

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurva Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-04-2019 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. 1955 registered in connection with Naubatpur P.S. Case No. 621 of 2018.

3. It is submitted that the petitioner has been falsely implicated and except suspicion there is no other material to connect the petitioner with the alleged occurrence nor co-accused Anil Kumar from whose house the said food grains were recovered. The petitioner is the PDS dealer and the food grains of his PDS shop were kept there in normal course of business. The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition submitting that the petitioner did not produce the stock register upon demand and as such adverse inference has rightly been drawn against the petitioner with respect to black marketing.

5. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM-II, Danapur, in connection with Naubatpur



P.S. Case No. 621 of 2018 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) That the petitioner shall produce his stock register before the learned Court below within a period of four weeks from today.

6. The provisional bail shall be confirmed if the stock found at the PDS shop of the petitioner is reflected in the stock register. If the petitioner fails to produce his stock register and the stock of his PDS shop is not reflected in the stock register, the provisional bail shall stand cancelled.

(Vikash Jain, J)

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