

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29312 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- GRIYAK District-
Nalanda

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RADHE SHYAM YADAV, male, aged about 35 years, Son of Sundeshwar Ray @ Sundeshwar Yadav Resident of Village - Dhaidh Bishunpur, P.S.-Khanpur, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 25-07-2019 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 Giriya P.S. Case No. 21 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely on the confessional statement of co-accused, except which there is no objective material to connect the petitioner with the alleged occurrence and that too under the provisions of the Essential Commodities Act are not applicable. In any event the milk from the tanker of which the petitioner is the driver was tested by the Bihar State Milk Co-operative Federation Limited and the agency found the alcohol and adulteration to be negative. Similarly situated co-accused Lalu Kumar has been granted anticipatory bail by this Court in Cr. Misc. NO. 29978 of 2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's



arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nalanda, Bihar Sharif in connection with Giriyak P.S. Case No. 21 of 2019, 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 cooperate 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) That 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.

(Vikash Jain, J)

Ibrar/BT

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