

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28752 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- DUMARIYA District- Gaya

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RAJU SAO @ RAJU KUMAR Son of Jamuna Sao Resident of Village -
Imlabad, P.S.- Kothi, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Dumariya P.S. Case No. 35 of 2018, disclosing offences under Sections 406 and 409 of the Indian Penal Code, including Section 7 of the Essential Commodities Act.

The petitioner is a PDS dealer.

Learned counsel, appearing on behalf of the petitioner, submits that the petitioner cannot be prosecuted for the offence punishable under Section 7 of the Essential Commodities Act.

As per the case of the prosecution, a pick-up van, loaded with rice, was recovered by the police. The petitioner accepted that rice so recovered belonged to him, which he had purchased from the open market. It has also been argued that, in any event, the petitioner is ready to present himself before the police in course of investigation, as and when required. It has further been argued that the driver and the owner of the vehicle



have been granted the privilege of anticipatory bail by the court below.

Considering the above submissions, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned J.M. 1st Class, Sherghati (Gaya), in connection with Dumariya P.S. Case No. 35 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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