

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31578 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- VAISHALI District- Vaishali

RAJAN KUMAR @ RAJAN SINGH Son of Krishna Prasad Singh Resident
of Village - Bhagwanpur, P.S.- and Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Vaishali P.S. Case No. 40 of 2018 for the offence punishable under Section 7 of the E.C. Act.

The petitioner is the Driver of a vehicle, which was found carrying 20 bags of rice and after having been intercepted by local villagers was taken to the police station. The allegation is that the said rice was government rice.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner, being only a Driver, was merely carrying the rice. He is not a P.D.S. dealer and, therefore, Section 7 of the E.C. Act will have no application against him, he contends.

The petitioner has no criminal antecedent, as stated in paragraph 3 of the application.



Considering the above, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Vaishali, in Vaishali P.S. Case No. 40 of 2018, subject to the conditions 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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