

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32924 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- BHANGHA District- West Champaran

1. SURESH SAH @ SURENDRA SAH Son of Sri Lakshman Sah Resident of Village - Pachrukhi, P.S.- Bhangaha, Dist.- West Champaran.
2. Santosh Sah Son of Sri Lakshman Sah Resident of Village - Pachrukhi, P.S.- Bhangaha, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bhangaha P.S. Case No.05 of 2019 registered under Section 7 of the Essential Commodities Act.

The accusation is that on 14.01.2019, Dhaneshwar Ram, Kanchan Ram and Rajkumar Diswa and others gave an application to the informant Sushil Pratap Singh, the Incharge Block Supply Officer, Mainatand, to the effect that in the night of 11.01.2019 at 12.00 O'clock, PDS grains was loaded on the tractor of Suresh Sah (petitioner no.1), which was being driven by Santosh Sah (petitioner no.2) from the godown of PDS shop dealer Sita Devi, for black marketing, regarding which enquiry was made on 14.01.2019, then



beneficiaries disclosed that forcibly entry was made on their cards regarding the distribution of kerosene oil for the month of December, 2018 and January, 2019 by Sita Devi. On verification of the PDS godown of Sita Devi, 145 bags of rice and 87 bags of wheat were found and the godowan was sealed. On being asked to Sita Devi to show the PDS stock register, Sita Devi did not produce the same.

Learned counsel for the petitioners submits that the petitioners are owner and driver of the tractor. Neither the tractor was seized in this case nor any allegation has been made against the petitioners. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Manoj Kumar, Judicial Magistrate, First Class, Bettiah, West Champaran, in connection with Bhangaha P.S. Case No.05 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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