

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38383 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- BAUSI District- Araria

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1. Md. Yushuf @ Md. Yusuf aged about 54 years (M) Son of Md. Rustam
 2. Md. Mofil aged about 26 years (M) Son of Md. Yushuf
- Both are residents of Village - Ufrail, P.S.- Srinagar, District - Purnea.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 7 of the Essential Commodities Act registered in connection with Bounsi P.S. Case No. 123 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the owner and driver respectively of the Tempo from which three quintals of rice were recovered. It is submitted that the seized rice belongs to co-accused Md. Nurul, who is a PDS dealer. It submitted that rice is no longer controlled commodity and as such, no offence under Section 7 of the E.C. Act is made out against the petitioner, who 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, Araria in connection with Bounsi P.S. Case No. 123 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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