

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45219 of 2019

Arising Out of PS. Case No.-158 Year-2018 Thana- PATEPUR District- Vaishali

PAPPU KUMAR, aged about 30 years, Male, S/O Ram Dev Ray R/o Village-
Saidpur Rajauli, P.S.- Sadar Hajipur, Dist.- Vaishali ... Petitioner

Versus

1. The State of Bihar

2. B.S.F.C. Patna, Bihar

... Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 45292 of 2019

Arising Out of PS. Case No.-158 Year-2018 Thana- PATEPUR District- Vaishali

SHYAMBABU @ SHYAMBABU RAI, aged about 48 years, Male, Son of
Devendra Rai Resident of Village - Mansurpur, P.S.- Sarai, District – Vaishali

... Petitioner

Versus

1. The State of Bihar

2. B.S.F.C. Patna, Bihar

... Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45219 of 2019)

For the Petitioner : Mr. Rina Sinha, Adv.

For the Opposite Parties : Mr. Parmeshwar Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 45292 of 2019)

For the Petitioner : Mr. Usha Kumari Singh, Adv.

For the Opposite Parties : Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with
Patepur P.S. Case No. 158 of 2018 registered under Sections
420, 379 and 34 of the Indian Penal Code and 7 of the Essential
Commodities Act.

The accusation is that three trucks, bearing
registrations no. BR-02GA-1427, WB-41C-7430 and UP-77N-



945B, loaded with bags of food grains of Food Corporation of India were weighed and 8.72 quintals of rice of truck, bearing registration no. BR-02GA-1427, was found shot, whereas 205 quintals rice on truck, bearing registration no. WB-41C-7430, was found shot, similarly in truck, bearing registration no. UP-77N-9453, 900 Kg wheat was found shot, which indicates that the drivers and owners of the said trucks have sold the food grains in the black market.

The learned counsel appearing on behalf of the petitioner, Pappu Kumar, submits that he was the driver of truck, bearing registration no. UP-77N-9453, on which 300 bags of wheat was loaded and it is alleged that on weight 900 Kg wheat was found shot. In fact, after loading the bags from Food Corporation of India, petitioner (Pappu Kumar) on the said truck the weight was not taken and truck directly reached at Food Corporation of India godown to unload the same. Mere on suspicion, the petitioner, being truck driver of truck, bearing registration no. UP=77N-9453, has falsely been implicated in this case.

The learned counsel appearing on behalf of the petitioner, Syambabu Rai, submits that the petitioner was driver of truck, bearing registration no. WB-41C-7430, on which 300



bags of rice were loaded and allegation has been made that on weight 205 Kg rice was found shot, but, after loading the bags of rice, the same was not weighed. Mere on suspicion both the petitioners have been implicated in this case with allegation of selling the rice in the black market. Further more, submission is that the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Patepur P.S. Case No. 158 of 2018 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, X, Vaishali at Hajipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

