

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44834 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- SHAMBHUGANJ District- Banka

Nilesh Kumar Singh, Aged about 36 years, Male, Son of Late Sri Nivas Singh
Resident of Village - Vijay Nagar, Ward No.20, P.S.- Banka, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-07-2019 Heard both sides.

Petitioner apprehends his arrest in Shambhuganj P.S.

Case No.261 of 2018, registered under Section 7 of the Essential
Commodities Act.

The Block Supply Officer, Shambhuganj raided the
premises of M/s Baba Rice Mill and found two pick up van
bearing Registration No.BR51G1775 (wrongly written in the
FIR as BR51G1755) and BR10G3155 loaded with 140 bags
containing wheat. The informant alleged that the rice mill
owner, namely, Rajiv Kumar Pandey and the owners of the
vehicles are indulged in black marketing of the food grains.

Learned counsel for the petitioner submits that the
petitioner is the owner of pick up van bearing Registration
No.BR51G1775 but much before the seizure of the vehicle with



the loaded wheat, the petitioner had transferred the ownership to Amresh Kumar Pandey. The petitioner and Amresh Kumar Pandey had come to this Court in CWJC No.5625 of 2019 for release of the vehicle and this Court vide order dated 27.03.2019 ordered for release of the vehicle. It is submitted that wheat is not a controlled item and carrying of wheat on a vehicle does not constitute any offence under Section 7 of the Essential Commodities Act.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged 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., Banka in connection with Shambhuganj P.S. Case No.261 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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