

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46570 of 2019**

Arising Out of PS. Case No.-115 Year-2019 Thana- MASHRAK District- Saran

MANOJ PRASAD Son of Late Narayan Sah Resident of Village- Masharak,
P.S.- Masharak, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 18-10-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Section 7 of the Essential Commodities Act.

On the tip off about illegal storage of the PDS rice
in the house of the petitioner by PDS dealer namely
Rameshwar Singh, informant raided the house of the petitioner
and seized 6.5 quintals of rice stuffed in the gunny bag of FCI.

It is submitted by learned counsel for the petitioner
that the petitioner runs the business of rice and has kept the rice
in his house in connection with the aforesaid business. Said rice
is not PDS rice. He has no concern with the said Rameshwar
Singh. Informant has not searched and checked the shortage of



rice in the PDS shop of said Rameshwar Singh. Moreover petitioner happens to be private person and not the PDS dealer, hence he cannot be prosecuted under Essential Commodities Act. Gunny bag of FCI is available in the open market. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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., Saran at Chapra in connection with Masharak P.S. Case No. 115 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

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

