

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54170 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. AWADHESH SAH @ AWADHESH KUMAR SAH, aged about 32 years, Male, Son of Parmanand Sah, Resident of Village- Barhara Kothi, Ward No.08, P.S.- Barhara, District- Purnea
2. Perमानand Sah, aged about 65 years, Male, Son of Late Satya Narayan Sah, Resident of Village- Barhara Kothi, Ward No. 08, P.S.- Barhara, District- Purnea
... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Barhara P.S. Case No. 95 of 2019 for the offence alleged under Section 7 of the Essential Commodities Act.

The accusation is that on receiving the information on mobile, the informant, being the Block Supply Officer, made raid at the house of Padmanand Sah in village Badehra Kothi. In course of raid, 45 wheat bags of Food Corporation of India, each filled with 60 Kg recovered. On query, Awadhesh Sah, son of Padmanand Sah, did not give any proper reply nor produced any paper regarding the purchase of wheat, which clearly



indicates about illegal business of purchase and sale of subsidized food grains in the black market.

Learned counsel appearing for the petitioners submits that both the petitioners are in relation son and father and 45 wheat bags, which are said to be recovered from the house of the petitioners was of agriculture produce of the petitioners, which were kept in the bags of Food Corporation of India, which is easily available in the market. The petitioners are not the fair price dealer nor any person has complained against the petitioners about purchasing the wheat from fair price shop for selling in black market. Both the petitioners have no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

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 Barhara P.S. Case No. 95 of 2019 shall be released on pre-arrest 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 Subdivisional Judicial Magistrate, Purnea, or the successor Court subject to the



conditions as laid down under Section 438(2) Criminal
Procedure Code.

(Rajendra Kumar Mishra, J)

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