

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59796 of 2019**

Arising Out of PS. Case No.-235 Year-2019 Thana- JAGDISHPUR District-
Bhagalpur

=====

DINANATH SAH @ CHHOTU SAH Son of Late Sadhav Sah R/o - Saino, P.S.-
Jagdishpur, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Atul Kumar Son of Raj Kumar Shastri R/o vill.- Mau, P.S.- Tekari, Distt.-
Gaya at present posted as Supply Inspector, Jagdishpur, Distt.-
Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate.
For the Opposite Party: Mr. Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420 of the Indian Penal Code and Section
7 of the Essential Commodities Act registered in connection with
Jagdishpur P.S. Case No. 235 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with seizure of hand stitched 156
plastic bags and 24 jute bags containing 50 Kg. each of Arva rice.
The petitioner is the owner of the rice mill whose name has
transpired on the extra judicial confessional statement of the
driver of the Bolero pick-up-van from which recovery has been
made. It is submitted that Arva rice is a free sale commodities
and not subject to any control order under Section 3 of the
Essential Commodities Act and as such no offence has been
committed by the petitioner. The bags in question were neither



machine stitched nor indicated that the same related to subsidized Government grain. It is therefore submitted that the allegation has been made against the petitioner merely on suspicion. The petitioner 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 Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 235 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

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

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

(iv) That the petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar//-

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

