

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80854 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- GHOGHARDIHA District- Madhubani

ASHOK KUMAR MANDAL @ ASHOK MANDAL Son of Nago Mandal
Resident of Village- Indupur Tajpur, Ward No.21, P.S.- Barhaiya, District-
Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Son of Sri Ram Dinesh Prasad Resident of Village- Umrai Bigaha, P.S- Mokari, District- Jahanabad, Presently Posted as the Lifting officer- cum- Assistant Manager, State Food Corporation, Ghoghariha(Madhubani).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-12-2019 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ghoghardiha P.S. Case No. 51 of 2019 registered for the
offence punishable under Sections 409/34 of the Indian Penal
Code and Section 7 of the E.C. Act.

The allegation is regarding the petitioner having been
arrested while driving a truck, which was apprehended and 700
bags of rice was seized by the police and it is alleged that the
rice was being illegally carried for the purposes of being sold in
black market.



The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case, he is only the driver of the truck and he is having a clean antecedent. It is further submitted that rice is not a controlled item, hence, there is not question of black marketing of the said rice. It is further submitted that the transporting agent of B.S.F.C., who is also the owner of the truck in question has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 18.12.2019 passed in Criminal Miscellaneous No. 39231 of 2019. Lastly, it is submitted that the value of goods in question have already been recovered by the B.S.F.C. inasmuch as bank guarantee of the said amount has been furnished by way of cash security by the aforesaid transporting agent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur, District-Madhubani in connection with



Ghoghardiha P.S. Case No. 51 of 2019 (G.R. No. 662 of 2019).

(Mohit Kumar Shah, J)

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