

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78475 of 2018

Arising Out of PS. Case No.-76 Year-2011 Thana- DAWATH District- Rohtas

Kanhaiya Singh son of late Angrahit Singh, Resident of Village-Parsiyan
Kala, P.S. Dawath, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-01-2019 This application, for grant of anticipatory bail, arises

out of Dawath P.S. Case No. 76 of 2011, disclosing offences

under Sections 420 of the Indian Penal Code and Section 7 of

the Essential Commodities Act.

Allegation is of recovery of 197 bags of D.A.P. from

the godown of the petitioner kept for black marketing.

Submission of learned counsel for the petitioner is

that there is no proof that the recovered fertilizers were kept for

black marketing to attract the provisions of Essential

Commodities Act. Moreover, after distributing the recovered

fertilizer, the amount of Rs. 1,24,110 / - has already been

deposited in Government treasury and further the police after

investigation has submitted final form in this case, however, the

Magistrate differing with the view of police, took cognizance



against the petitioner.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Dawath P.S. Case No. 76 of 2011, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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