

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80325 of 2019

Arising Out of PS. Case No.-287 Year-2019 Thana- SABAUR District- Bhagalpur

SAURAV KUMAR @ BHAGWAN KUMAR Son of Sri Naresh Mandal
Resident of Village- Mamalkha, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with Sabour
P.S. Case No. 287 of 2019, instituted for the offence under
Section(s) 7 of the Essential Commodities Act.

It is submitted by the petitioner's counsel that prosecution
Under Section 7 of the E.C. Act would not be maintainable
inasmuch as there is no allegation that petitioner is a P.D.S.
dealer. The petitioner was owner of the vehicle in -question and
was having no connection with the items allegedly seized in
respect of which the petitioner was only offering his services as
a carrier. The petitioner has no criminal antecedents.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts, prayer of the petitioner



for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Bhagalpur, in connection with Sabour P.S. Case No. 287 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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