

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No 82941 of 2019**

Arising Out of PS. Case No.-659 Year-2019 Thana- KAHALGAON District- Bhagalpur

NIRAJ KUMAR SAH S/o Dilip Sah @ Dilip Prasad Sah R/o Mohalla-  
Kajipura, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Mrityunjay Kumar  
For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

**2      13-12-2019**              Heard learned counsel for the petitioner and the learned  
APP for the State.

Petitioner apprehends arrest in connection with  
Kahalgaon Police Station (for brevity, *PS*) Case No 659 of 2019  
instituted for the offence under Section(s) 420 of Indian Penal  
Code and Section 7 of Essential Commodities (for brevity, *EC*)  
Act.

It is submitted that the petitioner has falsely been  
implicated in this case. Referring to Annexure 2, which is  
challan dated 24.09.2019, it is submitted that 72 bags of Ushna  
rice, which is allegedly recovered from the petitioner, was in his  
bona fide possession. Business of rice is not regulated by any  
Control Order. Petitioner is not a Public Distribution System  
Dealer and cannot be held liable for offences under the EC Act.  
Petitioner has no criminal antecedent.



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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon PS Case No 659 of 2019, GR No 4567 of 2019 subject to the conditions as laid down under Section 438(2) Criminal Procedure Code and also 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)**

**M.E.H./-**

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