

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15011 of 2020**

Arising Out of PS. Case No.-710 Year-2019 Thana- TURKAULIYA District- East
Champaran

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SUBHASH PRASAD @ SUBASH KUMAR S/o Late Anirudh Prasad
Resident of Village - Khairi, P.S. - Turkaulia, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 02-07-2020 This matter is taken up for consideration

through Video Conferencing under the orders of Hon'ble

the Chief Justice.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner apprehends his arrest in

Turkaulia (Banjaria) P.S. Case No. 710 of 2019,

registered for the offences punishable under Section 7 of

the Essential Commodities Act and section 420 of the

Indian Penal Code.

Petitioner is Chairman of Turkauliya PACS. It is

alleged that on surprise inspection, 78.17 quintals of wheat

and 86.38 quintals of rice were seized from the godown of

petitioner, in which 37.89 quintals of wheat and 25.96



quintals of rice were found more than the allotted rice and wheat. It is further alleged that 66 bags of wheat and 47 bags of rice were found stitched with hand. Petitioner is alleged to be indulged in smuggling of government subsidized food.

It is submitted that petitioner has been falsely implicated in this case due to political rivalry. Petitioner is innocent and has committed no offence as alleged in the FIR. On the alleged date of occurrence, petitioner was not present on the spot as he had gone to Delhi for medical treatment of his wife. It is further contended that some amount of food grains was already distributed amongst the beneficiaries but the same was not accounted and hence it was wrongly alleged that excess quantity of wheat and rice was found. Moreover, the licence of the petitioner's shop has already been suspended. Petitioner has got no criminal antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial**



Magistrate, East Champaran at Motihari in connection
with **Turkaulia (Banjaria) P.S. Case No. 710 of 2019**,
subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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