

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17461 of 2020**

Arising Out of PS. Case No.-348 Year-2019 Thana- DINARA District- Rohtas

Gulab Chand Sah @ Gulab Sah, Son of Ram Pratap Sah, Resident of Village
and P.O. and P.S.- Dinara, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, Incharge A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-10-2020 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned Incharge APP in absence of Mr. Parmeshwar Mehta, APP.

The petitioner in the present case is seeking pre-arrest bail in connection with Dinara P.S. Case No. 348 of 2019 registered for the offence punishable under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that on one Pick cup vehicle 40 bags of rice were loaded. The said vehicle was intercepted by patrolling party of Dinara Police Station and the same was brought to the Police Station and Block Development Officer was informed in this regard. The Block Development Officer has lodged the FIR in which he has stated that he got the information at 4:00 p.m. on 24.12.2019 whereas the vehicle in question was seized by Police at 3:00 a.m. on the said date. It is then submitted that in the FIR itself it is alleged that the rice loaded on the vehicle were that of the shop of the petitioner who is a public distribution system dealer and his mobile was



off as also he was absconding. Whereas the vehicle driver made statement on the subsequent day i.e. 25.12.2019 that the rice was of this petitioner's shop and he loaded the same through Sri Mahendra Prasad Keshari @ Lullu from Dinara Bazar, said Mahendra Prasad Keshari is said to be a Paledar (a person involved in dealing of foodgrains in market).

Learned counsel submits that in course of investigation it has come that when the vehicle was seized by the Police on spot no seizure list was prepared and only on the subsequent day in the police station the seizure list witnesses were made to sign the same.

Learned counsel submits that in course of investigation no material has come to show that any inspection of the shop was conducted and on record Annexure '2' is available to demonstrate that the petitioner had distributed the foodgrains to the ration card holders and in this regard computerized entries were made on the different dates.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the aforesaid facts and circumstances of the case, the statement of seizure list witness available in paragraph '7' where the witness has stated that the rice was loaded at the instance of Paledar Mahendra Prasad Keshari and the seizure list witness has stated that he was told that the rice is of the quota of this petitioner and then in the office of the Block Development Officer he put his signature on the seizure list, this Court directs release of the petitioner above named in the event of his arrest or surrender within a period of four weeks from today on bail on furnishing of bail



bond of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned I/c Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 348 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e. on provisional bail for a period of three months

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

