

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19879 of 2020

Arising Out of PS. Case No.-400 Year-2019 Thana- RIVILGANJ District- Saran

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Awdhesh Singh, Son of Harendra Prasad Singh, resident of Village - Nayka
Barka Baiju Tola, P.S.- Revelganj, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Satya Prakash, Advocate

For the Opposite Party : Dr. Mritunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-08-2020 Filing through email of the present application has

been accepted in view of the out-break of COVID-19 Pandemic

and has been posted before me for hearing through video

conferencing.

The application is apparently not in accordance with

the provisions prescribed under the Patna High Court Rules,

which do not contemplate filing of application through email. In

spite of that, considering the extra-ordinary situation, filing of

the present application has been allowed through email.

Considering the situation prevailing, the Court has

considered, for the present, to ignore the deficiency in filing of

the application.

Heard Mr. Satya Prakash, learned counsel for the

petitioner and Dr. Mritunjay Kumar Gautam, learned Additional



Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Rivilganj P.S. Case No.400 of 2019 registered under Section 7 of the Essential Commodities Act.

It is contended by the learned counsel for the petitioner that as per the allegation made in the FIR, the petitioner has lifted foodgrains on 20.12.2019 and distributed ration to only one consumer till the date of inspection, i.e. on 30.12.2019. It is further contended that as per direction of the authorities, the foodgrains had to be distributed among the consumers through POS (Point of Sale) machine. The petitioner had received the POS machine from the office on 05.12.2019 and, upon much request, the operator Satendra Singh activated POS machine on 27.12.2019 as there is single operator in the Block. Accordingly, the supply of ration was made to only one consumer on 27.12.2019 through POS machine. It is also contended that there is no allegation of black-marketing and the entire foodgrains were intact in the store of the petitioner.

Learned Additional Public Prosecutor for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of the offence, the allegations



made in the FIR and the submissions advanced on behalf of the parties, the petitioner is directed to be released on bail, in the event of his arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Rivilganj P.S. Case No.400 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be



preserved in my residential office for documentation and future use, if any.

- (iv) Let a copy of the order be sent to Mr. Satya Prakash, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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