

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27068 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- HALSI District- Lakhisarai

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PRAKASH BIND S/o Late Jamun Bind Resident of Village-Kakrauri, P.S.-
Halsi, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Prem Kr. Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-11-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Prem Kr. Jha, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Halsi PS case no. 73 of 2020 registered for the offences punishable under Sections 406, 420 of Indian Penal Code and 7 of Essential Commodities Act.

The informant is stated to have conducted an inquiry at the P.D.S. shop of the petitioner and it was found from the statements made by the Consumers as also upon verification of the stock of rice and wheat kept in the shop of the petitioner that the petitioner is engaging in black-marketing of



food grains and has not been supplying the food grains to the beneficiaries.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the P.D.S. licence of the petitioner has already been suspended by the authorities and in case, any irregularities are proved to be subsisting regarding the P.D.S. licence of the petitioner herein, his licence would be liable to be cancelled in accordance with law, hence in the event anticipatory bail is granted to the petitioner, no prejudice would be caused to the prosecution.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that the P.D.S. licence of the shop of the petitioner has already been suspended and law would take its own course as far as continuance of the P.D.S. licence of the petitioner is concerned, this Court is of the view that no prejudice would be caused to the prosecution, in case the petitioner is granted anticipatory bail, hence I deem it fit and appropriate to admit the petitioner to the privilege of



anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or 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 released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Lakhisarai in connection with Halsi PS case no. 73 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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