

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22854 of 2020**

Arising Out of PS. Case No.-4 Year-2020 Thana- RIVILGANJ District- Saran

DAYANAND SAH Son of Ramanuj Sah Resident of Village-Sheikhpura
Panchpatra, P.S.-Rivilganj, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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

2 30-09-2020 Learned counsel for the petitioner undertakes to

remove the defects within two weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun
Kumar Singh, learned APP for the State.

The petitioner in the present case is a P.D.S. dealer
who is seeking pre-arrest bail in connection with Rivilganj P.S.
Case No.04 of 2020 registered for the offences punishable under
Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner has drawn the
attention of this Court towards the allegations made in the First
Information Report which has been lodged on the basis of letter
no.03 dated 02.01.2020 written by the Block Supply Officer to



the officer in-charge of the police station. It is submitted that the Block Supply Officer seems to have visited the public distribution shop in absence of this petitioner, however he has alleged that this petitioner had fled away and had not shown the stock register. It is submitted that the allegation falsifies on the face of another allegation wherein the Block Supply Officer has recorded the total stock according to him and then alleged that 750 kgs of rice and 700 kgs of wheat were found short.

It is submitted that the licence of the petitioner has already been suspended but without giving any opportunity to show cause and the matter is still sub-judice.

Although, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner, but in the given facts and circumstances of the case wherein this Court has noticed that presently the licence of the petitioner is under suspension and he is looking to explain the matter as also that in the First Information Report itself the total stock has been mentioned by the Block Supply Officer though he has alleged that this petitioner had not produced the stock register, there being some discrepancy on this issue prima-facie, this Court is inclined to grant anticipatory bail to the petitioner.

Let the petitioner abovenamed in the event of his



arrest or surrender within four weeks from today, be released 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 4th Additional Sessions Judge, Saran in connection with Rivilganj P.S. Case No.04/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(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.

(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'.

