

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27417 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- KHAGARIA District- Khagaria

Sanjit Kumar Singh, S/o Late Nageshwar Singh, Resident of Mohalla-
Malgodam Road, Ward No.02, P.S. and District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar-1, Advocate

For the Opposite Party/s : Mr.Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Dilip Kumar, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Khagaria (Muffasil) P.S. Case No.59 of 2020,



G.R. No.236/2020, registered for the offence punishable under Section 7 of the E.C. Act.

The case of the prosecution is that allegedly 334 bags of rice have been found on a truck, which has been seized. The Driver and the Cleaner of the truck have allegedly named the petitioner. In the F.I.R., it is alleged that the rice was contained in jute bags which bears the marking of the Government subsidized food grains.

It is submitted by the petitioner's counsel that it is a case of false implication. The petitioner's rice was earlier forcibly seized by the police officials on extraneous considerations, for which the petitioner had filed a Complaint Case No.1078C/2019 on 07.12.2019. The same was sent for lodging of F.I.R. under Section 156(3) Cr.P.C. against the police officials. On receipt of such order, the police have falsely implicated the petitioner in the instant case on 21.01.2020. Even as per the prosecution case, the seizure has been done only on suspicion due to markings on jute bags in which rice has allegedly been packed. The rice which has been seized is the rice being dealt with by the petitioners in regular course of business and kept in used jute bag bearing the marking, which was bought by the petitioner. Such marking cannot lead to a



conclusion that rice is subsidized or part of the public distribution scheme.

The petitioner is on bail in the case arising out of the Electricity Act, which is said to be pending against him as per the disclosure made in paragraph 3 of the petition.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released 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 S.D.J.M.,Khagaria, in connection with Khagaria (Muffasil) P.S. Case No.59 of 2020, G.R. No.236/2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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