

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26264 of 2020

Arising Out of PS. Case No.-185 Year-2020 Thana- AMARPUR District- Banka

PRITAM KUMAR DURBEY Son of Gyani Durbey Resident of Village-
Makduma, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Manoj Kumar Pandey
For the Opposite Party/s :		Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-10-2020 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, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Amarpur P.S. Case No. 185 of 2020 for the offence registered under Section 7 of the Essential Commodities Act.

The allegation is regarding the truck of the petitioner loaded with wheat having been impounded by the S.D.O., Banka and upon enquiry it transpired that inside the bags containing wheat, the name of F.C.I. (Haryana and Punjab



Government) was found and the bags had been found stitched by hand.

The learned senior counsel for the petitioner Shri N.K. Agrawal has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is not a P.D.S. dealer and he is a bona fide purchaser of the wheat and rice in question. It is further submitted by referring to Annexure-2 to the present petition that as far as the food grains are concerned, the trading thereof has been de-licensed with effect from the year 2002 throughout the country and no license is required nor any books of account or cash memo are required to be maintained while carrying on the trade of food grains and moreover neither there is any storage limit nor any movement control.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the trade of food grains has been de-licensed and there is no storage limit or movement control and moreover the petitioner is not a PDS



dealer as also is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka in connection with Amarpur P.S. Case No. 185 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure, however, subject to certain conditions.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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