

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27058 of 2020

Arising Out of PS. Case No.-119 Year-2020 Thana- MAHNAR District- Vaishali

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HARE KRISHAN SINGH Son of Late Valadev Singh Resident of Village-
Paharpur Vishanpur, Naya Tola, P.S.- Mahnar, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N.K. Agrawal

For the Opposite Party/s : Mr.Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-11-2020 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 Senior counsel for the petitioner
and Sri Nityanand Tiwary, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Mahnar PS case no. 119 of 2020 registered

for the offences punishable under Section 7 of Essential

Commodities Act.

The case of the prosecution in brief is that two

persons were caught with two bags of subsidized rice while they

were carrying it on a motorcycle for the purposes of

black-marketing and upon interrogation, they disclosed that they

had bought the said rice from the shop of a P.D.S. dealer i.e.



the petitioner herein.

The learned Senior 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 on account of the present FIR, the P.D.S. licence of the shop of the petitioner has been suspended, hence he has already been suitably punished. Nonetheless, it is submitted that the concerned authorities have not verified the stock position of the P.D.S. shop of the petitioner and in case, they would have verified the same, it would have been found that there is no shortage, as far as stock of rice is concerned.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that the stock position has not been verified by the concerned authorities, as far as the P.D.S. shop of the petitioner is concerned and moreover, barring the statement of the persons caught on the spot, no other evidence is available on the record of the present case so as to connect the petitioner with the alleged crime, 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 C.J.M. Vaishali at Hajipur in connection with Mahnar PS case no. 119 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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