

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29517 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- BHAGWANPUR District- Vaishali

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ASHUTOSH PRIYADARSHI @ BABLU SINGH S/o Late Dasarath Sinha
Resident of Village-Prataptand West, P.S.-Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Krishna Prasad Singh, learned senior

counsel for the petitioner and Mr. Manoj Kumar, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner apprehends arrest in connection with

Bhagwanpur P.S. Case No. 45 of 2020 registered for the offence

punishable under Section 7 of Essential Commodities Act.

The allegation as per the First Information Report is

that a pick up van loaded with 69 bags of rice was intercepted

by the villagers and was handed over to the Police by them on

15.03.2020 and, thereafter, physical verification of the P.D.S.

shop of Panchayat PACS, Prataptand West, was done and less

quantity of stock of rice was found.

Learned senior counsel for the petitioner submits that



the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. Learned counsel further submits that fact of the matter is that on 14.03.2020, a meeting of Managing Committee of the PACS was called for the purpose of shifting of rice in another godown of the said Panchayat due to leakage of rain water in the godown of the present PACS and in the said meeting, the decision was taken by the members of the Managing Committee to this effect, and in pursuance of the same, 69 bags of rice was being transported to the vacant godown of Ex-dealer which would be evident from Annexures 2 and 3 of this application. Learned counsel further submits that petitioner is Chairman of the PACS and he was not present on the date of alleged seizure of the rice. This fact would be evident from Minutes of the meeting, copy of which, has been enclosed at Annexure-3 to this application. Learned counsel next submits that the petitioner has got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record particularly Annexures-2 and 3 to this application, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 45 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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