

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30163 of 2020**

Arising Out of PS. Case No.-155 Year-2020 Thana- KISHANGANJ District- Kishanganj

Sarfaraz Alam S/O Mahboob Alam Resident of Dahuwabari, P.O. - Bishanpur,
P.S. - Kochadhaman, District - Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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

2 18-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking pre-arrest bail in connection with Kishanganj P.S. Case No. 155 of 2020, G.R. No. 586 of 2020 registered for the offences punishable under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the petitioner is the owner of the truck bearing registration no. BR37GA-3357 and as per allegations in the First Information Report his vehicle was found carrying boiled rice 50.30 quintals and rice 90.30 quintals. It is alleged that the rice which were transported on the vehicle of this petitioner were the government subsidised rice.



Learned counsel submits that there is a notification dated 15th February, 2002 (Annexure '2') issued by the Government whereby the foodgrains have been delicensed and there is no bar in carrying the rice. There is no allegation that the gunny bags or plastic bags were having marks of Food Corporation of India or any other Government agency. It is submitted that the foodgrains were purchased from agriculturists directly from the rural hat by the rural traders and those were loaded on his vehicle. The petitioner has otherwise no criminal antecedent.

Mr. Bharat Bhushan, learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

In the given facts and circumstances of the case, in view of the submissions of the petitioner hereinabove, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Kishanganj P.S. Case No. 155 of 2020, G.R. No. 586 of 2020, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

