

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30309 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- SURYAGARHA District- Lakhisarai
=====

BAIJU SAW @ BAIJU SAH S/o Shankar Saw Resident of Salempur, P.S.-
Surajgarha, District-Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Vikramdeo Singh
Mr.Sudish Kumar

For the Opposite Party/s : Mr APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-12-2020

Heard Mr. Vikramdeo Singh, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Suryagarha P.S. Case No. 128 of 2020 instituted for the offence under Section 7 of the Essential Commodities Act.

It appears from the accusation that 22 bags of rice was found loaded on a blue tempo and it was suspected that the same was being transported for black-marketing. It is alleged that the petitioner is the owner of the seized foodgrains.



Learned counsel for the petitioner submits that he is not a P.D.S. dealer but deals in Kirana items and he has been falsely implicated in this case at the hands of the informant. In fact, it has been stated in the bail petition that two F.I.Rs were registered at the behest of the informant and the only purpose of that was to extract illegal advantage from the petitioner. It has further been asserted on behalf of the petitioner that the rice is not a controlled commodity and the apprehension of the informant that it is the property of F.C.I. or B.S.F.C. is only his guess work. There is nothing on record, it has been argued, to indicate with certainty that the foodgrains which were seized were meant to be sold in P.D.S. Shop.

Regard being had to the nature of accusation, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of ten weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM,



Lakhisarai, in connection with Suryagarha P.S. Case No. 128
of 2020, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

sunilkumar/-

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