

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73886 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- BAUSI District- Purnia

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Md Kalam, Son of Sk Manjoor, Resident of Village - Khoksa, P.S.- Baisi,
District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Baisi
P.S. Case No.118 of 2019, registered for the offence punishable
under Section 7 of Essential Commodity Act.

The allegation against the petitioner is that the police
intercepted the tempo owned by the petitioner and recovered 15
bags of subsidized rice from the said tempo. Petitioner has been
made accused on the basis of the fact that he is the owner of the
tempo in question.

Mr. Ram Pravesh Kumar, learned counsel appearing for
the petitioner submits that the petitioner has falsely been implicated
in this case inasmuch as tempo was being driven by the driver and
the subsidized rice was not loaded with the permission and consent
of the petitioner. However, learned counsel further submits that in
fact the tempo in question was sold earlier in the year 2016 by the



petitioner in favour of Md. Qaisar Alam and in support of the same, petitioner relied upon Annexure-1 of supplementary affidavit which is an agreement-cum-sale letter dated 21.05.2016 between Md. Qaisar Alam and the petitioner. Learned counsel for the petitioner further submits that the petitioner is not the PDS dealer and is a private person.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner is the owner of the tempo which has already been sold in favour of some other person in the year 2016 and the present FIR has been lodged in the year 2019, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No.118 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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