

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86352 of 2019

Arising Out of PS. Case No.-304 Year-2019 Thana- UDAKISHUNGANJ District-
Madhepura

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Kamal Kishore Mishra @ Kamal Kishore Jha, S/o Late Jaygovind Mishra,
R/o village- Murlichandwa, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Uda-Kishunganj P.S. Case No.304 of 2019, registered, for the
offence punishable under Section 7 of Essential Commodity
Act.

The allegation against the petitioner as per first
information report lodged by Block Supply Officer, Uda-
Kishunganj is that the informant raided near the house of one
PDS dealer, i.e., the petitioner and found 40 bags of subsidised
rice at the door of one Ashok Jha, who is a neighbour of the
petitioner and upon enquiry being made, petitioner accepted that
the said 40 bags belongs to him. It has further been alleged that



when the PDS shop of the informant was inspected, the informant found stock register and stock godown in order.

Mr. Shardanand Mishra, learned counsel appearing for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that from perusal of the first information report, it would be evident that stock register and godown of the PDS dealer was found in order by the informant. Learned counsel further submits that the subsidized rice was found near the house of one Ashok Jha and referring to para 10 and 12 of the application submits that the rice recovered from the door of Ashok Jha does not belong to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that stock register and godown of the PDS shop of the petitioner was inspected by the informant and was found in order, I am inclined to grant anticipatory bail to the the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
S.D.J.M., Uda-Kishunganj, Distt-Madhepura, in connection
with Uda-Kishunganj P.S. Case No.304 of 2019, subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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