

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19154 of 2021**

Arising Out of PS. Case No.-299 Year-2020 Thana- AMARPUR District- Banka

1. BINAY KUMAR @ BINAY PANJIYARA S/o Ganesh Panjiyara Resident of Village- Mojahidpur, P.S.- Bharmarpur, District- Banka.
2. SHIV PUJAN YADAV S/o Rajendra Yadav Resident of Village- Aamarikar, P.S.- Phulidumar, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr.A.PP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 15-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Amarpur P.S. Case no. 299 of 2020 instituted for the offence under Section 7 of the Essential Commodities Act.

As per allegation in the FIR, on 8.6.2020, during inspection, the informant recovered 61 bags of government subsidized rice from a truck vehicle bearing no. BR10G 8570



which was being driven by the petitioner no. 2 and on demand, no valid paper was produced by the driver. Thereafter, the informant seized the said vehicle along with loaded rice and accordingly, lodged the present case against the owner and the driver of the seized vehicle and others.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He further submits that petitioners are owner and driver of the seized truck respectively. The alleged section is not applicable against the petitioners, as the trade of wheat and rice is free with effect from 15.2.2020. Petitioner no. 1 was not present at alleged spot. And the truck was under the control of petitioner no. 2 and he negotiates freight charges from one place to another place. They are not a PDS dealer and the entire case are based only on suspicion. Hence, the petitioner may be granted anticipatory bail.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Amarpur P.S. Case no. 299 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Banka subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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