

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26952 of 2020**

Arising Out of PS. Case No.-43 Year-2020 Thana- TETERHAT District- Lakhisarai

ASHOK KUMAR SHAW @ ASHOK SHAW Son of Late Mahadeo Shaw
Resident of Village - Tetrahat, P.S. and District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr N K Agrawal, Sr Advocate with
M/s Manoj Kr Pandey, Preety Kunwar, Advocates
For the Opposite Party/s : Ms Anita Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **25-01-2021** Heard learned senior counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Tetrahat Police Station (for brevity, *PS*) Case No 267 of 2020
instituted for the offence punishable under Section 7 of Essential
Commodities Act.

Petitioner has been made an accused on the basis of
an inspection conducted at his Public Distribution System (for
brevity, *PDS*) shop wherein irregularities have allegedly been
found including an allegation that he was selling food grains on
a higher price than prescribed for beneficiaries of the PDS.

It is submitted by the learned senior counsel for the
petitioner that implication is on extraneous consideration. The



petitioner has no criminal antecedent and since long, he has been running the shop without any complaint whatsoever. It is further submitted that his license also stands cancelled since 25.04.2020.

The learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Luckeesarai in Tetarhat PS Case No 267 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

