

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30003 of 2020

Arising Out of PS. Case No.-289 Year-2020 Thana- PHULWARISHARIF District- Patna

Bisheshwar Rajak, Gender – Male, aged about 59 years, S/o Badhu Rajak,
R/o Village-Mohammadpur, Panchayat-Mainpur Anda, P.S.-Phulwarisharif,
Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the State : Mr.Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-01-2021 Learned counsel for the petitioner is permitted to
remove the defect within four weeks.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Phulwari Sharif P.S. Case No. 289 of 2020 registered for
the offence punishable under Section 7 of the Essential
Commodities Act.

The prosecution case as set out in the F.I.R. in short
inter alia is that on 29.05.2020 at about 10.00 P.M. at village
Mohammadpur, Panchayat – Mainpur anda, P.S.- Phulwari
Sharif, District – Patna, one Tempo of yellow colour bearing
Registration No.BR-1 GD/0132 held by one Rajesh Kumar and
others co-villagers loaded 8 quintals rice contained in 20 plastic
bags and after getting information, informant along with the



police party reached there and arrested Ashok Paswan (Labour) and also driver-cum-owner of the vehicle namedly Binod Kumar Gupta and after investigation, it has been disclosed by them that Bisheshwar Rajak (petitioner), dealer of the P.D.S. shop of village Mohammadpur, has not distributed the government grain among the poor villagers and has sold the grain in Black Market and in this regard representation has been produced before the informant and prayed for further action, thereafter, the P.D.S. shop of the petitioner bearing No.03/2016 has been enquired by the informant and according to the POS Machine the storage quantity of rice found excess after physical verification, thereafter, both the labor and driver cum owner of the vehicle were arrested by the police and both are given statement in writing that the loaded 20 bags rice loaded from the P.D.S. shop of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and petitioner has committed no offence. He further submits that the petitioner is running his P.D.S. shop in accordance with the provision and there is no any grievance of his consumers about his shop by his consumers, He further submits that this Hon'ble Court has quashed the order dated 07.04.2009 that mere carving



of the food grain by him on a tractor does not amount to indulgence in black marketing of the food grains in question. He further submits that the petitioner has got no any criminal antecedent mentioned in paragraph-3 of the bail petition. He further submits that the deceased was selling or purchasing rice to any person and the seized bags of grain is neither FCI marked joot bags nor sealed by the FCI.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of SDJM Patna in connection with Phulwari Sharif P.S. Case No. 289 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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