

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30765 of 2020

Arising Out of PS. Case No.-155 Year-2020 Thana- KISHANGANJ District- Kishanganj

1. ASLAM @ MD. ASLAM PARWAIZ, S/o Managing Director, Chirag Alam, Resident of Handibhasa, P.S.-Kochadhaman, District-Kishanganj.
2. Sadik Alam @ Sadik S/o Ataur Rahman Resident of Dogharia, P.S.-Kochadhaman, District-Kishanganj.
3. Sanjeev Kumar Harijan @ Sanjeev Kumar S/o Nunu Lal Harijan Resident of Kari Birpur, P.S.-Kochadhaman, District-Kishanganj.
4. Sakil @ Anwar @ Md. Anwar S/o Harun Rashid Resident of Balubari, P.S.-Bahadurganj, District-Kishanganj.
5. Manzoor @ Manzar Alam S/o Nazarnuddin Resident of Village and P.S.-Kochadhaman, District-Kishanganj.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Senior Advocate. Mr. Dhananjaya Nath Tiwari, Advocate.
For the State	:	Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 10.11.2020, within four weeks of starting of the Court proceeding in physical mode.

Let the supplementary affidavit filed on behalf of the petitioners be kept on the record.

Heard learned Senior counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with



Kishanganj P.S. Case No.155 of 2020/G.R. No.586 of 2020 registered under Section 7 of the E.C. Act.

Learned Senior counsel appearing on behalf of the petitioners submits that the petitioner no.1, namely, Aslam alias Md. Aslam Parwaiz, is the owner of the vehicle bearing Registration No.WB65A-0607 on which 32 bags of boiled rice in the weight of 16.05 quintals, 31 bags of Arba rice in the wight of 15.60 quintals and 15 bags of wheat in the wight of 7.62 quintals are said to be loaded, petitioner no.2, namely, Sadik Alam alias Sadik is the owner-cum-driver of A/F Tata 407 on which two bags of boiled rice in the weight of 1.03 quintals and 72 bags of Arba rice in the weight of 36.10 quintals are said to be loaded, petitioner no.3, namely, Sanjeev Kumar Harijan alias Sanjjev Kumar, is the driver of the vehicle bearing Registration No.BR37GA-3357 on which 100 bags of boiled rice in the weight of 50.20 quintals and 180 bags of Arba rice in the weight of 90.30 quintals are said to be load, petitioner no.4, namely, Sakil alias Anwar alias Md. Anwar, is the owner of 67 bags of Arwa rice in the weight of 33.65 quintals, 3 bags of wheat in the weight of 1.52 quintals and 2 bags of boiled rice in the weight of 1.03 quintals, which are said to be loaded on A/F Mahindra D.I. 3200, whereas the petitioner no.5, namely, Manzoor alias Manzar Alam is the owner of 32 bags of boiled rice in the weight of 16.5 qunintals, 31 bags of Arwa rice in the weight of 15.60 quintals and 15 bags of wheat in the weight of 7.62 quintals, which are said to be loaded on the vehicle



bearing Registration No.WB65A-0607. Further submission is that the petitioners have been made accused in this case only on the ground that the sacks, which were filled up with the rice and wheat, were of logo mark of FCI and BSFC. The used and old empty bags of FCI and BSFC are easily available in the market and the seized wheat and rice were purchased from the local market and the same were being carried on the seized vehicles.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case No.155 of 2020/G.R. No.586 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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