

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30098 of 2020**

Arising Out of PS. Case No.-39 Year-2020 Thana- MEDNI CHAUKI District- Lakhisarai

BAIJU SAW S/o Shankar Saw Resident of Salempur, P.S.-Surajgarha,
District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anujit Sinha, Advocate

For the Opposite Party/s : Ms Nirmala Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **05-01-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Medni Chowki Police Station (for brevity, *PS*) Case No 39 of
2020 instituted for the offence punishable under Section 7 of
Essential Commodities Act.

Some rice has been recovered from a Tempo leading
to lodging of the present case.

It is submitted by the petitioner's counsel that the
petitioner has no concern with the Tempo in question. The
implication is merely based on statement of the Driver who has
alleged that the rice was being taken to the petitioner. The
petitioner bears a clean past and his implication is false and



based on extraneous considerations. The petitioner is not a Public Distribution System Dealer. Such implication, on account of statement of co-accused, which has no evidentiary value, is clearly unreliable.

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 Medni Chowki PS Case No 39 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./-

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