

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31987 of 2020

Arising Out of PS. Case No.-106 Year-2020 Thana- HUSSAINGANJ District- Siwan

Vishnu Sah, aged about 33 years (Male), S/o Jangilal Sah, resident of Village-
Fatehpur Shivajee Nagar Galli no.04, P.S.-Mahadeva O.P., District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Senior Advocate with Mr. Dhananjaya Nath Tiwari, Advocate
For the State	:	Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-03-2021

Heard Mr. N K Agrawal, learned senior counsel along
with Mr. Dhananjaya Nath Tiwari, learned counsel for the
petitioner and Ms. Sharda Kumari, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with
Hussainganj PS Case No. 106 of 2020 dated 07.05.2020,
instituted under Section 7 of the Essential Commodities Act,
1955 (hereinafter referred to as the 'Act').

3. The allegation against the petitioner is that with
regard to the food grains found in his godown, there was no
display with regard to the rates at which the articles were to be
sold, which, according to the State, was required in terms of the
notification of the State Government dated 27.03.2020



contained in Memo No.1499, issued by the Government of Bihar, Food and Consumer Protection Department by which the articles in question, were added in the Schedule I of the Act.

4. Learned counsel for the petitioner submitted that the allegations appear to be erroneous. It was submitted that though the said notification requiring such display is dated 27.03.2020, but in terms of Section 3(5) of the Act, it was required to be published in the official gazette as that would be the date from which it would come into force. Learned counsel submitted that inspection was conducted on 6th May, 2020, whereas, the gazette notification was made on 19th May, 2020. Learned counsel had with him the copy of the gazette and submitted that the copy of the same shall be sent for the record of the Court on the e mail of the Court/Court Master.

5. Learned APP submitted that once the government has added such food grains in Schedule I of the Act, the person dealing with the same has to display the price thereof, which has not been done. However, in view of copy of the gazette with learned counsel for the petitioner, it could not be controverted that the same has been published only on 19th May, 2020, whereas, inspection itself has been conducted on 6th May, 2020.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Siwan in Hussainganj PS Case No. 106 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the



petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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