

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31732 of 2020

Arising Out of PS Case No.-122 Year-2020 Thana- BALIYA District- Begusarai

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Anjani Singh @ Anjani Kumar Singh, aged about 44 years, Male, Son of
Surendra Singh, Resident of Prashant Nagar, PS- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-02-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Soni Srivastava, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Balia PS Case No. 122 of 2020 dated 14.05.2020, instituted under Sections 409, 414 of the Indian Penal Code and 7 of the Essential Commodities Act, 1955.



4. The allegation against the petitioner is that from one tempo, 9 bags of 50 kgs. each of rice and 20 bags of 50 kgs. each on *thela* was recovered which was being taken to the godown of the petitioner.

5. Learned counsel for the petitioner submitted that he is the PDS dealer in the city of Khagaria and does not have a godown at Begusarai where it is alleged that the rice was being taken to his godown. However, she submitted that a relative of the petitioner does have a godown there. It is submitted that even if at face value, the allegation in the FIR is taken to be true, the owner of the *thela* has stated that the rice was picked up from other persons and was being taken to the godown but the allegation is not that the rice belonged to the petitioner or he had instructed or hired the vehicles for bringing such rice. Learned counsel submitted that it is not even alleged that the sacks bore the seal of Food Corporation of India or otherwise to indicate that it was meant for the PDS. Learned counsel submitted that the petitioner does not carry any other criminal antecedent and shall be co-operating with the agency in the investigation.

6. Learned APP submitted that the persons caught with the rice had stated that it was being taken for being unloaded in the godown of the petitioner.



7. 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, Begusarai in Balia PS Case No. 122 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.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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