

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31870 of 2020

Arising Out of PS Case No.-188 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champanan

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Jai Shankar Ram, Male, aged about 46 years, Son of Late Ganesh Ram,
Resident of Villaged - Gachhpura, PS - Motihari Muffasil, District - East
Champanan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anis Akhtar, Advocate

For the State : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anis Akhtar, learned counsel for the
petitioner and Ms. Anita Kumari Singh, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with
Motihari Muffasil PS Case No. 188 of 2020 dated 03.05.2020,
instituted under Section 7 of the Essential Commodities Act, 1955.

4. The allegation against the petitioner is that the
foodgrains received by him for his PDS shop was not distributed



to the beneficiaries and on 28.04.2020, when the shop was inspected, it was found to be closed.

5. Learned counsel for the petitioner submitted that the foodgrains were received by him on 19.04.2020, but due to death of his mother on 13.04.2020, as he was busy in the *Shrad* ceremony, the date for distribution was fixed for 28.04.2020 but some disturbance was caused by anti-social elements due to which he had to lock up his shop and run away and thereafter, he filed an application for attaching the beneficiaries of his shop with another PDS dealer for which application was made to the authorities on 30.04.2020. It was submitted that his request was accepted and for three months, the beneficiaries of his shop were attached to the neighboring PDS dealer. It was submitted that 148 bags of rice have been found from the petitioner's shop which shows that there was no black marketing. It was submitted that besides the petitioner having no criminal antecedent, in the past also, no complaint has been made against him by any of his beneficiaries.

6. Learned APP, from the case diary, submitted that the shop was sealed, but pursuant to the order of the Court when it was opened on 13.03.2021, 148 bags of rice have been recovered.

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 Chief Judicial Magistrate, Motihari, East Champaran in Motihari Muffasil PS Case No. 188 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, (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 and (iv) that the petitioner shall co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of his bail bonds.

8. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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