

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34765 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- KHAGARIA District- Khagaria

Raj Kumar Bajaj, S/o Late Sita Ram Bajaj, Proprietor of M/s Surajmal Mahadev Lal, Wholesale Dealer of Kerosene Oil, Khagaria, P.S. Khagaria, District- Khagaria and resident of Thana Chowk, P.S. Khagaria Distt.- Khagaria ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Neeraj Kumar Gupta, Adv.

For the Opposite Party : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-03-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 14.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Khagaria P.S. Case No. 140 of 2020, registered under Section 7 of the Essential Commodities Act.

The accusation is that petitioner, being the whole sale kerosene oil dealer, did not supply the kerosene oil in the month of July, 2019, in volume of 3706 liters, and in the month of August, 2019, in volume of 7003 liters, to Public Distribution System dealer, while the record has been maintained in that



regard.

Learned counsel appearing on behalf of the petitioner submits that it would appear from Annexure 3 series that the quantity of the kerosene oil, which is detailed in the first information report, has already been received by the Public Distribution System dealer, but, with ulterior motive the present case has been lodged and the license of whole sale dealership of kerosene oil of the petitioner has been cancelled without proper enquiry and without giving property opportunity to the petitioner to file his show cause. Further, submission is that earlier the Khagaria P.S. Case No. 73 of 2016 was also instituted under Sections 420/34 of the Indian Penal Code and 7 and 9 of the Essential Commodities Act against the petitioner and his license was cancelled, but, cancellation order was challenged before this Hon'ble Court and the license of the petitioner was restored. Submission is that earlier on four occasions first information report was lodged against the petitioner and his license of whole sale dealer of kerosene oil was cancelled, but, all four times the licence of the petitioner was restored after representing before the Hon'ble Court.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Khagaria P.S. Case No. 140 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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