

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32682 of 2020

Arising Out of PS. Case No.-328 Year-2020 Thana- MADHAURAH District- Saran

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GAUTAM PRASAD @ GAUTAM SAH, Son of Late Kailash Sah Resident
of Village - Talpuraina, P.S.- Marhowrah, P.O.- Mirzapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Preety Kunwar

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-02-2021 Heard Mr. N. K. Agrawal, learned senior

Advocate for the petitioner and Mr. Anand Mohan Prasad

Mehta, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Marhowrah P. S. Case No. 328
of 2020, dated 21.04.2020, instituted for the offence
under Section 7 of the Essential Commodities Act, 1955.

During the raid in the Public Distribution Shop



of the petitioner, only his son was found present. From the records, it appeared that 2.66 quintals of rice was in the stock of the petitioner. However, 37 packets of rice containing 50 kgs. each belonging to the State Food Corporation were also found in the shop of the petitioner which, according to the allegation, was kept for black-marketing.

The learned counsel for the petitioner has submitted that there is further allegation that six out of nearly one thousand beneficiaries attached to the petitioner's shop have made complaints that they have been receiving lesser foodgrains than their entitlement.

The learned senior Advocate for the petitioner has submitted that he is a PDS licensee for the last 27 years and till date there has not been any complaint against him.

The suspicion about 37 bags of rice being of State Food Corporation and kept in the shop for black-marketing is highly presumptuous. There is no material



to justify such a presumption.

Apart from this, it has been submitted that if there was stock of 2.66 quintals of rice, there was no necessity for keeping the rice separately. The suspicion against the petitioner is absolutely unfounded.

The learned counsel for the petitioner has also drawn the attention of this Court to the fact that the petitioner does not have criminal antecedents, meaning thereby, that he has not been made accused in any case of similar nature in the past.

Considering the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., District – Chapra, in connection with Marhowrah P. S. Case No.



328 of 2020, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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