

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39117 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- SONO District- Jamui

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Birendra Yadav, aged about 47 years, male, Son of Arjun Yadav, Resident of
Village - Tetariya Tarh, P.S. - Sono, District – Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-04-2021 Heard Mr. Satya Prakash Parasar, learned

Advocate for the petitioner and Ms. Madhuri Lata, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Sono P.S. Case No. 85 of 2019,
dated 23.03.2019, instituted for the offence under Section 7
of the Essential Commodities Act, 1955.

According to the F.I.R., a vehicle was intercepted



on the suspicion that it was being used for transporting food grains meant for Public Distribution System beneficiaries. The driver of the vehicle ran away. In course of investigation, it came to light that the Public Distribution System dealer is one Dinesh Manjhi and the vehicle in question belongs to one Umesh Yadav. The petitioner has not been named in the F.I.R. but, later, on the presumption that he was the driver of the vehicle, he is sought to be prosecuted in the present case.

The learned counsel for the petitioner has submitted that he, no doubt, had been a driver of the vehicle in the past, but presently he was not on any such assignment. Apart from this, it has been urged that assuming but not admitting that the petitioner was the driver of the vehicle in question, it was not possible for him to know that he was being asked to drive the vehicle with food grains unauthorizedly kept on it.

Considering the nature of accusation against the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is



directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Sono P.S. Case No. 85 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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