

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39227 of 2020

Arising Out of PS. Case No.-78 Year-2020 Thana- PIYAR District- Muzaffarpur

MD. SARAFE ALAM Son of Fakir Mohammad Resident of Village- Megh
Ratwara, P.S.- Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Pear (Hattha O.P.) P.S. Case No.78 of
2020 registered for the offences punishable under Section 3/7 of
the Essential Commodities Act.

Learned counsel submits that, as per the allegation,
the petitioner was involved in selling of the subsidized rice
meant for the consumers in black-market.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Learned counsel submits that the petitioner is owner of the pickup vehicle which was hired by one Chandan Kumar for transportation of rice. He submits that the petitioner is not a PDS dealer and the PDS dealer Ram Naresh Ram has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr.Misc.No.35918 of 2021.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that the petitioner is owner of the pickup vehicle which was hired by one Chandan Kumar for transportation of rice, the petitioner is not a PDS dealer and that the PDS dealer Ram Naresh Ram has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr.Misc.No.35918 of 2021, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Pear P.S. Case No.78 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

