

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.747 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

ANIL KUMAR SAH, S/o- Jogeshwar Prasad Sah R/o- Mohalla- R.B.S.S. Sahay, Bhikanpur Gumti No. 1, Jagdhishpur Nayatola, P.S.- Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-06-2021 Heard Mr. Ravish Mishra, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Ishakchak P. S. Case No. 88 of 2020, dated 28.07.2020, instituted for the offence under Section 7 of the Essential Commodities Act, 1955.

The petitioner is a PDS dealer. The accusation against him is that in his Public Distribution Shop, foodgrains were found to be short.

The learned counsel for the petitioner has submitted that no explanation was asked from him about



the shortage and even the allegation does not appear to be correct.

It has further been submitted that assuming but not admitting that there was shortage in the godown of the petitioner, it would only have entailed civil consequences including suspension or cancellation of license of the petitioner. But without there being any evidence with respect to any black-marketing or for that matter any other offence, merely shortage of the foodgrains in the godown of the Public Distribution Shop of the petitioner would not warrant a criminal prosecution against him.

Considering the afore-stated submissions, 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 Chief Judicial Magistrate,
Bhagalpur, in connection with Ishakchak P. S. Case No.
88 of 2020, subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

