

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40643 of 2020**

Arising Out of PS. Case No.-228 Year-2018 Thana- TRIVENIGANJ District- Supaul

Surya Narayan Yadav, Son of Asharfi Yadav, resident of Village- Kasha, Ward
No 2, Latauna, P.S. -triveniganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar- Advocate

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 17-06-2021 Heard Mr. Kuldeep Kumar, the learned Advocate

for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Supaul P. S. Case No.228 of 2018,
instituted for the offences under Section 7 of the Essential
Commodities Act.

It appears from the prosecution report that a
vehicle loaded with rice kept in gunny bags was seized. A
criminal case has been lodged on suspicion that the rice kept
in the sack was similar to the rice which is milled in local rice
mill which is tagged with four PACS.

It appears that there is a suspicion that instead of



CMR being deposited in the granary, it is being sold and transported to a different destination. The petitioner is owner of the vehicle, but the vehicle actually stands in the name of his wife. This is the basis for prosecuting the petitioner.

The learned counsel for the petitioner has submitted that even though he admits that the vehicle belongs to him and only the ownership papers are in the name of his wife, but submits that so far as the prosecution is concerned, it is based on unduly stretched logic that because in the assessment of the raiding team, the rice kept in the gunny bag which was being transported by the vehicle in question was of similar kind to the one which is milled in a local rice mill that a suspicion has been cast on the petitioner as an agent for transporting such rice stealthily.

Apart from this, it has been submitted that the vehicle may have been used by the driver, who is the custodian of the vehicle, for some time to commit this Act without the knowledge of the owner including the petitioner.

In any view of the matter, it has been urged that the prosecution against the petitioner is based solely on



suspicion.

Considering the aforementioned nature of case, the petitioner above-named, 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, Supaul connection with Triveniganj P. S. Case No.228 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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