

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10819 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- SACHIVALAYA District- Patna

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DURGA KUMAR @ DURGA PRASAD @ DURGA SAW SON OF RAM
ISHWAR SAO R/O MOHLLA- NALANDA COLONY AKASHWANI
ROAD NEAR APARJITA KHAJPURA, B.V.COLLAGE, P.S.- RAJIV
NAGAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Pandey

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Sachiwalaya P.S. Case no. 124 of 2021 instituted for the
offence punishable under Section 7 of the Essential
Commodities Act, 1955.

Prosecution case relates to storage of 460 litres K. oil
in a bush for black marketing by the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Name of the petitioner has been disclosed in this case
by co-accused Jitendra Rajak before the police, which has got



no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is a habitual offender and three cases are pending against him out of which two are of similar nature.

Having heard learned counsel for the parties and taking into consideration that petitioner is in habit of black-marketing the K. Oil and two cases of similar nature are pending against him, I am not inclined to grant bail to the petitioner and, as such, his prayer for bail is rejected.

The application stands disposed off.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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