

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15502 of 2020

Arising Out of PS. Case No.-31 Year-2014 Thana- TAJPUR District- Samastipur

Dilip Kumar Sah @ Dilip Sah S/o Late Munilal Sah R/o village- Motipur,
P.O. Tajpur, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankit Katriar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 13-04-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

The prosecution case as per F.I.R is that on secret information that petitioner is indulged in black-



marketing of the rice of Food Corporation of India (for short F.C.I), raid was laid in the godowns of the petitioner. From the first godown of the petitioner 400 sealed bags of F.C.I each containing 50 Kgs of rice, 600 empty bags of F.C.I, 2000 sealed bags of rice of Jai Mata Di D.V.C Super Rice each containing 50 Kgs of rice and 400 empty bags of Jai Mata Di D.V.C Super Rice were found whereas from the second godown of the petitioner 645 sealed bags of F.C.I each containing 50 Kgs of rice, 930 bags of Jai Mata Di D.V.C. Super Rice each containing 50 Kgs of rice and 400 empty bags were found and seized.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case since the petitioner refused to entertain the demand of illegal gratification. The petitioner is not PDS Dealer. He is engaged in the business of free sale of foodgrains and with effect from 15.02.2002, the Central Government has removed all the licensing requirements,



sale limit etc. on the sale and purchase, transport of various commodities in the order at fair prices throughout the country. So far as availability of F.C.I marking bags in the godowns of the petitioner is concerned, it is submitted that these bags are freely available in the open market for sale and these bags are purchased by the dealers to re-filled and sale in the market under different brands. It is further submitted that the rice available in the godowns of the petitioner has been legally procured for which the petitioner has valid purchase receipts. The purchase receipt of the rice has been annexed as Annexure-6 series.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate,



Samastipur in connection with Tajpur P.S. Case No. 31
of 2014, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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