

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30979 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- SURYAPUR District- Rohtas

=====

KAMLESH KUMAR S/o Late Chandrika Sah Resident of Village- Balihar,
P.S.- Suryapura, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Advocate
		Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s :		Mr. Aditya Narayan Singh-I, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-01-2022 Heard Mr. Bakshi S.R.P. Sinha, learned Senior Advocate for the petitioner and Mr. Aditya Narayan Singh-I, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Suryapura P.S. Case No. 26 of 2021 dated 09.02.2021 instituted for the offences under Section 188 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The informant who claims to be the Block Agriculture Officer has alleged that in course of his morning walk, he found several bags of urea being unloaded from a vehicle in the godown of the petitioner.

Learned counsel for the petitioner has submitted that the accusation is absolutely wierd and does not signify anything. Though the petitioner is a



licensee under the Public Distribution System but he is not at all concerned with the pick-up van or the bags of urea which have been seized on the basis of the case lodged by the informant.

Learned counsel for the petitioner has further submitted that the informant had earlier in some capacity demanded some money from the petitioner and that demand not having been fulfilled, a peculiar case has been lodged where he claims to have seen some person unloading bags of urea in the godown of the petitioner.

It has further been submitted on behalf of the petitioner that neither the offence under Section 188 IPC nor under Section 7 of the Essential Commodities Act can at all be said to have been made out against the petitioner.

For the vagueness of the accusation in the FIR, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four 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 Judicial Magistrate, Rohtas at Sasaram in connection with Suryapura P.S. Case No.



26 of 2021, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		t	
---	--	---	--

