

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31968 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- AMARPUR District- Banka

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MOHAN LAL CHOUDHARY Son of Late Lakhi Pd. Chaudhary The proprietor of M/s Baba Corporation Sangrampur Anchal, P.S.- Amarpur, District - Banka having License No. 005/2019-22.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Md. Abzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-01-2022 This case is being heard out of turn on the mentioning slip and the petitioner's counsel has submitted that the petitioner is a very old person and is bed ridden.

Considering the above submissions, this application is being heard out of turn.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner apprehends his arrest in connection with Amarpur P.S. Case No. 22 of 2021 registered for the offences punishable under Section 7 of the Essential Commodities Act.

The allegation against the petitioner is that he has violated certain terms of his licence and particularly that there is



no godown connected with the licence.

Learned counsel for the petitioner submits that petitioner is 73 years old person and on 26.12.2020 i.e. before the verification was made, the petitioner had given in writing to the authorities that he was going out for his treatment and there was nil stock in the godown. It also appears from the licence that business premises of the petitioner is godown also and there is no separate godown. He also submitted by the petitioner that inspection has been done behind the back of the petitioner and if there is certain alleged violations, they are not criminal violations for which the petitioner should be made to go behind the bars. The petitioner further submits that the licence of the petitioner is quite old i.e., more than fifteen years and till date no criminal prosecution has been lodged against him. He also submits that petitioner is now bed ridden.

Considering the facts and circumstances of the case and particularly the age and medical condition of the petitioner, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of ten weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned S.D.J.M., Banka,
in connection with Amarpur P.S. Case No. 22 of 2021, subject to
the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sandeep Kumar, J)

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