

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41500 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- GAYA KOTWALI District- Gaya

1. Sagar Kumar, S/O Om Prakash @ Om Prakash Prasad, R/O Mohalla-Khairat Ahmad Road, Piparpati, P.S-Kotwali, District-Gaya.
2. Pawan Kumar, S/O Vijay Prasad, R/O Mohalla-Chhotki Delha, Tarbabu Gali, P.S-Delha, District-Gaya.
3. Dharendra Kumar, @ Dhurendra Kumar, S/O Late Bhagwan Das, R/O Mohalla-Chhotki Delha, Tarbabu Gali, P.S-Delha, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42099 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- GAYA KOTWALI District- Gaya

Om Prakash @ Om Prakash Prasad, S/o Late Janardhan Prasad @ Late Janardan Prasad, R/o Mohalla- Khairat Ahmad Road, Piparpati, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41500 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 42099 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 13-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of



resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Kotwali P.S. Case No. 235 of 2021 registered for the alleged offences under Sections 272, 273, 34 of the Indian Penal Code, Section 7 of Essential Commodities Act and Section 52, 59, 63 of Food Safety Standards Act, 2006.

The prosecution case is that the house and shop of the petitioner Om Prakash was raided by the officials of Supply Department and from there a number of labels of different oil brands, with large quantity of oil and 'Ghee' were recovered. Further, the allegation against the petitioners is that they were indulging in black-marketing of oil and also in forging the labels of different brands and using them to their benefit.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Petitioner Om Prakash has given a portion of his shop to one Manoj Kumar, who has stored the oils in his premises. From the shop of the petitioner Om Prakash, nothing incriminating has been recovered. Further, no case under Section 7 of Essential Commodities Act is made out in his premises. There is nothing on record to show any adulteration or that the material kept in the shop of the petitioner Om Prakash was found to be



adulterated. The learned counsel further submits that the petitioner Sagar Kumar is the son of the petitioner Om Prakash and petitioners Pawan Kumar and Dharendra Kumar are staff of petitioner Om Prakash. They have no role in the alleged recovery or storage of articles seized from the shop of petitioner Om Prakash. The petitioners are in custody since 24.05.2021

Learned APP opposes the prayer for bail submitting that the petitioners were involved in black-marketing and adulteration of edible oil.

Having regard to the submissions made hereinabove and considering the period of custody and clean antecedents of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 235 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive



dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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