

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53297 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- DHURAIYA District- Banka

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1. Rajesh Kumar Ranjan, Male, aged about 44 yers, Son of Basudev Bhagat, R/O Village- Dhankund, P.S.- Dhoraiya, District- Banka.
 2. Bablu Mandal, Male, aged about 46 years, Son of Badri Mandal, R/O Mistri Tola Puraini, P.S.- Jagdishpur, District- Bhagalpur.
 3. Pankaj Harijan, Male, aged about 28 years, Son of Sival Harijan, R/O Maheshpur, Sanhoula, P.S.- Sanhoula, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 18-02-2022 Heard the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Dhoraiya P.S. Case No. 138 of 2021 instituted for the offences punishable under Sections 7 of the Essential Commodities Act.

Learned counsel for the petitioners submits that the petitioners have been sought to be arrested on the basis of making recovery of 48 bags of rice. Learned counsel submits that the bags are not marked as that of the Government rice and the allegation of black-marking is merely on suspicion. Both the petitioners and his son are being sought to be arrested.

I have considered the submissions and taking into consideration the aforesaid facts and the FIR registered, which states only about the rice having been recovered from the vehicle owned by the petitioners, without there being any specification of any rice being Government subsidies one, *Exfacie* case is not made out, I am inclined to allow the petitioners on bail, in the event of arrest they shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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