

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45069 of 2022**

Arising Out of PS. Case No.-242 Year-2022 Thana- DESARI District- Vaishali

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HARIDARSHAN JEE @ BABLOO SAH SON OF NAGINA PRASAD SAH
R/O WARD NO.2, SARAI DHANESH, P.S.- DESARI, DIST.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 120(B) and 34 of the Indian Penal Code and Section 7 of Essential Commodities Act.

The informant alleges that on 06.06.2022 a truck was detained from which 351 bags of weed recovered and on interrogation the driver of the truck disclosed that he had loaded the wheat bags from Anisha Traders, Sarai Dhanesh, thereafter, it is alleged that on such disclosure a raid was conducted at Anisha Traders from where 858 bags of Arwa rice, 51 bags of Usna rice, 2403 bags of wheat, 18 bags of



paddy, 64 bags of Arwa rice kept in a jute bag, 18 jute bags of Usna rice, 225 jute bags of wheat and 165 sacks of BSFC and other documents were seized. Thereafter, a raid was conducted in the house of the proprietor of Anisha Traders from where 121 bags of wheat, 71 bags of Arwa rice, 8 bags of paddy and 405 bags of Usna rice were recovered and from room of this petitioner 70 bags of Arwa rice and 405 bags of Usna rice were seized, accordingly, the FIR was instituted.

Learned counsel for the petitioner submits that petitioner has antecedent of two cases under the E.C. Act in which he is already on bail and the petitioner is a trader, it is next submitted that from bare perusal of the FIR it would manifest that the date of occurrence is 06.06.2022 and the FIR came to be instituted on 11.06.2022, i.e., after a delay of 5 days without any plausible explanation, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the FIR came to be instituted in view of the provisions of - The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 read with Bihar Trade Articles



(Licenses Unification) Order, 1984 and GSR 49 dated 17.10.1985 wherein it has been incorporated that in rural areas the maximum storage of paddy which can be done is 500 quintals. Learned counsel next submits that perhaps the authority who instituted the FIR was not aware of the notification issued by the Central Government (removal of licensing requirements, stock limits and movement restrictions) on specified food stuff order, 2002 wherein the said limit of storage of 500 quintals does not exist. Learned counsel next submits that petitioner also before this Court had filed CRWJC No. 697 of 2022 for release of the grains and this Court by order dated 07.07.2022 was pleased to direct the Collector to release the seized food items which amply demonstrates that the alleged food grains found within the premises of the petitioner were not illegal but then that is subject matter of the trial.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Desari (Sahdei OP) P.S. Case No. 242 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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