

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46867 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- KADWA District- Katihar

- 
1. Sagufta W/O Md. Rasid Alam Resident Of Village- Malikpur, P.S.- Kadwa, District- Katihar.
  2. Dayal Kumar Singh S/O Basu Singh Resident Of Village- Pindhal, P.S.- Azam Nagar, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Parmeshwar Mehta

---

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      14-12-2022                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

The petitioners are apprehending their arrest in  
  
a case registered for the offences punishable under  
  
Section 7 of the Essential Commodities Act.

The prosecution case as per F.I.R is that      438  
  
bags of food grains alleged to have been recovered from  
  
the *Dala* of one Tractor bearing      Chassis No.  
  
WVCK45621125929. It is further alleged that shop of  
  
the Dealer investigated and on deficit of food grains was  
  
found from godown of the PDS dealer Mosomat



Hamidan. The allegation against the petitioners is that they are owner and driver of the tractor in question.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in the present case. It is also submitted that petitioner No. 1 is the owner of alleged tractor and petitioner No. 2 is the driver of the alleged tractor. The petitioners are not named in FIR and their name sprang up during the investigation of case. It is further submitted that petitioners are neither PDS dealer nor anything has been recovered from their conscious possession. It is also submitted that provision of Essential Commodities Act is not attracted in this case. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs. 10,000/-(Ten Thousands)  
each with two sureties of the like amount each to the  
satisfaction of learned S.D.J.M., Katihar in connection  
with Kadwa P.S. Case No. 09 of 2022, subject to the  
conditions as laid down under Section 438(2) of the  
Cr.P.C.

**(Sunil Kumar Panwar, J)**

nirajkrs/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

