

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 58654 of 2021

Arising Out of PS. Case No.-157 Year-2019 Thana- KISHUNPUR District- Supaul

PARMANAND JHA Son of Late Bholi Jha Resident of Village - Bahurva
Ward No. 11, P.S. - Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bhim Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner apprehends arrest in Kishanpur Police
Station (for brevity, *PS*) Case No 157 of 2019 dated 10.07.2019
registered for the offence punishable under Section 7 of
Essential Commodities Act.

7.50 quintals of Government aided rice and 5 quintals
of Government aided wheat has been recovered from a Tata
Magic vehicle. The driver (co-accused Bechu Sah) was
interrogated by the police which has led to implication of the
instant petitioner, who happens to be a Public Distribution
System Dealer.



Petitioner's counsel submits that petitioner's implication is on the basis of statement made by the local villagers. Further submission is that the driver of the vehicle has been granted bail by this Court in Cr Misc No 66913 of 2019. The petitioner is also stated to be a man of clean antecedent.

The learned APP has opposed the prayer for bail.

Considering the rival submissions and claim based on parity, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Supaul in Kishanpur PS Case No 157 of 2019 dated 10.07.2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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