

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8379 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- MANSI District- Khagaria

PRAMOD KUMAR GUPTA @ PRAMOD PRASAD SAH S/o Late Mangan
Sah R/o village- Fango, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Mansi P.S. case No.131/2020 registered under Section 7 of
the E.C. Act.

Prosecution case, in short, is that the food grains were
being sold in black market and the petitioner delivered less



quantity of rice at higher cost to the beneficiaries of public distribution system.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is a P.D.S. dealer. As per the allegation, food grains were being sold in black market and due to that shortage was found in his P.D.S. shop. It is further submitted on behalf of the petitioner that the petitioner is ready to deposit an amount of Rs.25,000/- (Rupees twenty five thousand) in the court below, which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in



covid cases.

Considering the facts and circumstances, **the petitioner is directed to deposit an amount of Rs.25,000/- (Rupees twenty five thousand) in the court below, which shall be subject to the final disposal of the case.** On doing so, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned S.D.J.M., Khagaria in connection with Mansi P.S. case No.131/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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