

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64906 of 2021**

Arising Out of PS. Case No.-148 Year-2021 Thana- JANKINAGAR District- Purnia

SHIV SHANKAR YADAV @ SHIVBALABH YADAV Son of Thakur Yadav
Resident of Village - Jankinagar, P.S. JankiNagar, District - Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate

For the Opposite Party/s : Mr.Parmeshwar Me, Addl Public Prosecutor hta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 14-07-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in registered for the offences punishable under Section 7 of the EC Act.

As per the prosecution case, 22 bags rice and one bag wheat, packed in the printed bags of Bihar Rajya Khadya Nigam, were seized from a trolley of the tractor of which petitioner was the owner. It is further alleged that PDS food grain was being black marketed as owner of the vehicle could not produce the papers of the food grains.

Learned counsel for the petitioner submits that though the petitioner was the owner of the said vehicle, but at the relevant time, he had handed over the vehicle to Rajiv Yadav @ Panna Lal Yadav on hire, who was driving the vehicle and petitioner was not aware of the nature of goods being



transported through the said vehicle. Petitioner is not a PDS dealer as such no case under section 7 of the EC Act is made out against him.

Learned counsel for the State opposes the prayer for bail submitting that the petitioner's vehicle has been seized while engaged in transportation of PDS food grain for its black marketing. More so, he has got criminal antecedent of similar nature.

Considering the specific allegation against the petitioner and the criminal antecedent, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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