

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53652 of 2022

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

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LALAN PRASAD RAY @ LALAN PRASAD @ LALAN RAY Son of Ram
Siya Ray Resident of Ward No.- 12, Bihajadi Buzurg, P.S.- Desari, District -
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 21-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

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

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 06.06.2022, a truck was
detained from which 351 bags of wheat was recovered and on
interrogation the driver of the truck disclosed that he had loaded
the wheat bags from Anisha Traders, Sarai Dhanesh. 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 jute bags of Arwa rice were found, thereafter 18 jute bags of Usna rice, 225 jute bags of wheat and 165 sacks of BSFC and other documents were seized. It is further alleged that 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 the room of Haridarshan Jee 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 been falsely implicated in the present case. It is further submitted that petitioner is a PDS dealer since 1976 and came to be implicated based on suspicion as in the sale and purchase register of Anisha Traders name of one Lalan Rai figured. It is next submitted that the PDS shop of petitioner was inspected and no shortage of food-grains was found but in a mechanical manner his licence was suspended on the ground that perhaps this petitioner is the same Lalan Rai whose name figured in the name of sale and purchase register of Anisha Traders. Learned counsel submits that the authority in a



mechanical manner proceeded without holding a proper inquiry when petitioner has nothing to do with the present occurrence and since 1976 his licence has remained without any complaint.

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 Court below 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 court below 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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