

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14460 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- BISFI District- Madhubani

1. Babita Devi @ Babita Kumari Wife of Ram Sanyog Yadav Resident of Village - Bharan Tol, P.S.- Bisfi, District - Madhubani.
2. Ram Sanyog Yadav Son of Shatrughan Yadav Resident of village - Bharan Tol, P.S.- Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Vinod Kumar, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udeshya Kumar Yadav, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are not named in F.I.R. and apprehending their arrest in connection with Bisfi P.S Case No. 264 of 2022 registered for the offences punishable under Section 7 E.C. Act 1955.

The allegation against petitioners is to involve in black marketing of subsidized wheat and rice and as such on



inspection/raid two bags of wheat and 3 bags of rice were found missing out of admitted stocks of 46 Quintals and 38 Kilograms of wheat and rice.

Learned counsel appearing on behalf of the petitioners submitted that the implication of petitioner no. 2 is only for the reason that he is the husband of petitioner no. 1, who is the owner of Public Distribution System (PDS) Shop. It is submitted that as 53 bags of wheat and rice were found loaded on pick up van, bearing no. BR 07GB 2532 near to the shop of these petitioners, out of suspicion the present case was lodged. It is submitted that taking note of number of bags, as found loaded on alleged pick up van the shortage of stock, which is appearing only of 2 bags of wheat and 3 bags of rice is irrelevant and not supporting the allegation as to involvement of petitioners in black marketing of subsidized food grains. It is further submitted that wheat and rice are no more in the list of essential commodities. While concluding the argument it is submitted that petitioner no. 1 is lady and both petitioners are of clean antecedent.

Learned APP opposed the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact as, prima facie, implication appears



arises out of suspicion only with marginal difference of stock, accordingly, both above named petitioners, in the event of their arrest or surrender before the Court below within a period of four weeks of this order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani/concerned Court, where the case is pending in connection with Bisfi P.S. Case No. 264 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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