

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16102 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- PIPRAHI District- Sheohar

MD. MUSTAFA S/o Late Abdul Bari R/o Village- Garahiaya, P.S.- Sheohar,
Distt- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar,Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Piprahi P.S. Case No.49 of 2022, registered for the offences punishable under Section 7 of the Essential Commodities Act, 1955.

The allegation is regarding the informant having got secret information that grains meant for Public Distribution Shop of one Md. Abulaish has been loaded on a tractor and miscreants are trying to sell the same in black market, whereupon the informant along with his police force had gone to the alleged place of occurrence, however on the way they found that 32 bags, each containing 50 kgs. of rice were being unloaded from a tractor at



the house of the petitioner, hence it is alleged that the petitioner was engaging in black marketing of Government's rice.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted, by referring to the F.I.R., that the rice bags have not been seized from the house of the petitioner, but from the tractor in question, which admittedly does not belong to the petitioner, hence the petitioner is not having any complicity in the matter. Lastly, it is submitted that the petitioner is not only Chairman of PACS but is also having a P.D.S. shop.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that the rice bags are alleged to have been seized from the tractor/trailer in question, which does not belong to the petitioner, and not from the house of the petitioner, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below/successor court, Sheohar in connection with Piprahi P.S. Case No.49 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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