

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18380 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- SRINAGAR District- West Champaran

1. GEETA DEVI Wife of Late Vidhyalal Mukhiya Village- Sisua Mangalpur Ps- Sri Nagar Dist- W. Champaran, At present Resident of Gidhaura Ward no-46 P.S. - Muffasil Bettiah Dist- W. Champaran.
 2. Munna Kumar Mukhiya Son of Late Vidhyalal Mukhiya Village- Sisua Mangalpur Ps- Sri Nagar Dist- W. Champaran, At present Resident of Gidhaura Ward no-46 Ps- Muffasil Bettiah Dist- W. Champaran
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate
Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Sri Nagar P.S. Case No. 67 of 2022 registered for the offences punishable under Sections 7 of the Essential Commodities Act. They have no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioners submits that the informant who is the Block Supply Officer alleged that the petitioners who are the nominees of the deceased PDS license holder were not handing over the POS machine and remaining food-grains to the newly appointed PDS dealer.



Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. It is submitted that the petitioner no. 1 is the wife and petitioner no. 2 is the son of late Vidyalal Mukhiya in whose name the license of PDS shop was existing. The said Vidyalal Mukhiya died and thereafter the petitioners being nominees had applied for license of PDS shop in the name of petitioner no. 1 and now Block Supply Officer directed the petitioners to handover the remaining food-grains but the fact is that the deceased shopkeeper had already distributed the food-grains.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner no. 1 is the wife and petitioner no. 2 is the son of late Vidyalal Mukhiya in whose name the license of PDS shop was existing, the submission being that the said Vidyalal Mukhiya died and thereafter the petitioners being nominees had applied for license of PDS shop in the name of petitioner no. 1 and at this stage the Block Supply Officer directed the petitioners to handover the remaining food-grains but the submission being that the deceased shopkeeper had already distributed the food-grains, in



the nature of allegations and the submission noted above, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Sri Nagar P.S. Case No. 67 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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