

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17864 of 2023

Arising Out of PS. Case No.-854 Year-2022 Thana- SUPAUL District- Supaul

1. MD JAUHAR S/O MD. YAKUB R/O VILLAGE- BASBATTI (WARD NO.-12), P.S- SUPAUL AND DISTT.- SUPAUL.
2. SURENDRA KUMAR @ SURENDRA KUMAR RAY S/O KAMESHWAR RAY R/O VILLAGE- BASBATTI (WARD NO.-12), P.S- SUPAUL AND DISTT.- SUPAUL.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Adv.
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 7 of Essential Commodities Act.

As per the FIR, the allegation against the petitioners is that they were involved in black marketing of rice.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioner no.1 is the owner, whereas petitioner no.2 is the driver of the alleged vehicle. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this



case due to suspicion. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have no concern with the alleged recovery. Petitioners are driver and owner of the seized vehicle, therefore, Section 7 of the Essential Commodities Act is not applicable against them. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the petitioners are owner and driver of the alleged vehicle, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Supaul P.S. Case No. 854 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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