

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19295 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- SANHAULA District- Bhagalpur

Rajendra Kumar Sah @ Rajendra Kumar @ Ravi Sah @ Rajendra Sah Son
Of Late Shiv Prasad Shah Resident Of Village- Mahiyama, Sanhoula
Hanwara, Main Road, Ps- Sanhoula, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Dr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Parmeshwar Mehta, learned
Additional Public Prosecutor for the State.

Application for grant of bail to the petitioner, who is
apprehending his arrest in connection with Sanhoula P.S. Case
No. 190 of 2022, registered for the offences punishable under
Section 379 of the Indian Penal Code and 7 of the Essential
Commodities Act.

On a confidential informant with regard to illegal
storage of government subsidised rice, the godown of the
petitioner was raided, where altogether 730 bags of *Arwa* rice
were recovered. It is alleged that the recovered rice appears to
be government subsidised *Arwa* rice. When the informant made



a request to the wife of the petitioner she failed to produce any documents relating to recovered *Arwa* rice. It is also alleged that other hardware articles and a Tata Magic vehicle was also recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner had been owner of M/s Shiv Shakti Rice Mill since 2017 and on account of Covid-19 pandemic, he did not get his license renewed after 30.09.2022. He next submitted that being the owner of M/s Shiv Shakti Rice Mill, he had purchased rice from Prachi Priya Rice Mill which was stored in his godown, apart from the fact there is no restriction in keeping of rice in a godown as in view of the government orders, rice is not essential commodities. He next submitted that the petitioner is a reputed businessman having no criminal antecedent, however, on account of some misconception or at the instance of some unscrupulous persons this FIR has been instituted and, moreover, the allegation of black-marketing is not at all made out nor there is any contravention of the provision of any orders issued under Section 3 of the Essential Commodities Act.

On the other hand, learned APP for the State opposed the bail application and submits that from the FIR it is evident



that some jute bags were having marka of SFC and, moreover, when the wife of the petitioner was asked to produce documents in support of storage of rice, she failed to produce the same.

Regard being had to the submissions made on behalf of the parties and considering the recovery of *Arwa* rice from the godown of the petitioner, who was already having a rice mill earlier in his name, coupled with the fair antecedent and his undertaking that he will fully cooperate in the investigation, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Sanhoula P.S. Case No. 190 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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