

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22617 of 2023

Arising Out of PS. Case No.-79 Year-2021 Thana- KARJAIN District- Supaul

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Arun Mehta @ Arun Kumar Mehta, aged about 38 years, (Male), Son Of
Laddu Mehta, Resident Of Pratapganj Bhawanipur Dkshin, Ward No. 13, P.S.
- Pratapganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Naresh Kumar Mehta, learned counsel

appearing on behalf of the petitioner and Mr. Parmeshwar

Mehta, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Karjain P.S. Case No. 79 of 2021 registered for the offence
punishable under Section 7 of the Essential Commodity Act,
1955.

3. As per the allegation made by the S.H.O. of Karjain
Police Station on whose written statement, the FIR has been
lodged is that the tractor of the petitioner, which is registered in
the name of his mother was loaded with 125 bags of arwa rice.
Tractor was inspected and seized on the ground that the same
was illegally supplied to sale rice in black market.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither owner of the tractor nor he was involved in the alleged commission of offence. The name of the petitioner has been taken by the driver of the tractor and labourers. Petitioner is innocent and he is not involved in black marketing. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submission made by the parties as well as the fact that the tractor was registered in the name of the mother of the petitioner and specific statement in this regard has been made in paragraph no. 8 of the bail application, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The Court below is directed to obtain a report from the District Transport Officer, Supaul, with respect to ownership of the tractor bearing Registration No. BR38G-7144. If it is found that the same is not registered in the name of the petitioner, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Supaul in connection with Karjain P.S. Case No. 79 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The resport must be submitted by the District Transport Officer forthwith within a period of one week from the date of surrender of the petitioner. Till then, no coercive steps shall be taken against the petitioner.

(Purnendu Singh, J)

Niraj/Nilmani

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