

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23743 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- GANGTA District- Munger

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SANOJ KUMAR Son of Dashrath Yadav Resident of Village - Lalunagar,
P.S.- Belhar, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gangta P.S. Case No. 180 of 2022, registered for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code and Section 7 of the E.C. Act.

The allegation is regarding the Supply Inspector, Haveli Khadagpur having apprehended a truck bearing Registration No. BR10GC-2931 on the alleged date and time of occurrence and it has been alleged that huge quantities of government food grains were being ferried for the purposes of being black marketed and when the driver was questioned, he had produced a challan, however,



the said challan was bearing the registration number of the aforesaid Truck as Registration No. BR-10GC-2998.

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 that the petitioner had given the truck in question on lease to a transporter, namely, Pankaj Yadav, who was operating the said truck for the purposes of ferrying of consignments booked with him and as far as the present case is concerned, he had preferred an appeal before the Managing Director of the Bihar State Food and Civil Supplies Corporation challenging the letter dated 05.11.2022, issued by the District Manager, State Food Corporation, Munger, by which the transportation work of the aforesaid Pankaj Yadav was suspended on account of lodging of the present case in question and ultimately the said appeal has been allowed by an order dated



24.01.2023, wherein it has been recorded that on account of wrong data entry, wrong truck number had been depicted on the challan in question and the same should have in fact been recorded as BR10GC-2931. It is also submitted that the food grains seized from the truck in question matches the description given in the challan in question, hence it is submitted that the present case has been lodged against the petitioner and other accused persons on account of mistake of fact.

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 appellate authority i.e. the Managing Director, Bihar State Food and Civil Supplies Corporation, by an order dated 24.01.2023 has already allowed the appeal filed by the Transporter,



namely, Pankaj Yadav and has also recorded therein that there was mistake in entering the registration number of the truck in question in the aforesaid challan and the correct registration number, which ought to have been mentioned therein, is the one belonging to that of the truck of the petitioner, apart from the fact that the petitioner is not the real Transporter and he had merely leased out the said truck in question to one Pankaj Yadav, who had been using the said truck for carrying the consignments booked with him, 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 Sub-Divisional Judicial Magistrate, Munger in connection with Gangta P.S. Case No. 180 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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