

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31757 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- SHAHKUND District- Bhagalpur

Nandu Sah, Son of late Govind Sah, Resident of Village- Bariyarpur, Police Station- Shakhund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Dr. Manoj Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shakhund P.S. Case No. 45 of 2022 registered for the offence punishable under Section 7 of the Essential Commodities Act.

It is alleged that on the direction of the S.D.O., Sadar, Bahagalpur, the godown of the petitioner was inspected and altogether 101 plastic hand stitches bags containing 40.32 quintals of rice and 02 quintals of wheat and one electronic weighing machine were seized.



It is submitted on behalf of the learned counsel for the petitioner that the Control Order 2016 is not attracted against the petitioner, as the petitioner has nothing to do with the godown from where recovery has been made. He further submits that from perusal of the statement of the son of the petitioner, it is evident that the animal shed-cum-godown was taken on rent by one Saurav Kumar and it is he, who kept the food-grain. He further submits that the petitioner is a man of fair antecedent and is custody since 18.04.2022 and is ready to give undertaking that he will fully cooperate in the investigation as well as trial.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhagalpur in connection with Shahkund P.S. Case No. 45 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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