

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32573 of 2022

Arising Out of PS. Case No.-65 Year-2020 Thana- MIRGANJ District- Purnia

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Lila Sharma @ Leela Sharma S/o Late Mahanth Sharma @ Late Mahanth Lal
Sharma @ Late Mahanth Lal Das R/o village- Dumaria, P.S.- Mirganj,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
	:	Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the
offences punishable under Section 7 of the Essential
Commodities Act.

According to prosecution case, the food grains were
being loaded on a pick-up van at the PDS shop of the petitioner.
It is further alleged that the dealer was found absent and his son
showed the stock which shows that the food grains were being
sent to other places for black marketing which is in violation of



Targeted PDS Control order 2016.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner is PDS dealer and as per the instructions and guidelines, he has received the food grains from the competent authority and supplied to the concerned person. He further submits that the allegation as alleged in the F.I.R. is that, during inquiry, more food grain was found in the godown of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mirganj P.S. Case No. 65 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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