

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32815 of 2022**

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

Saurav Kumar @ Saurav Kumar Sah, S/o Late Siya Ram Sah, R/o village-
Kaswa Kherhi, P.S.- Shahkund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sadanand Prasad Deo, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

- 3 08-02-2023 The matter has been placed under the heading “To Be Mentioned” on the prayer made by the learned counsel for the petitioner Sadanand Prasad Deo, as on the last occasion on 01.02.2013, he had argued the matter in connection with the present case, however, on account of inadvertence, since Cr. Misc. No. 31757 of 2022 has also been placed along with the present case, relating to co-accused Nandu Sah (Cr. Misc. No. 31757 of 2022) has been taken up and the order has been passed, though the said case was being represented by Dr. Manoj Kumar, learned counsel. It is made clear that as the Cr. Misc. No. 31757 of 2022 was heard and the order has been passed on 01.02.2023 itself, the same will remain as it is whereby this Court considering the materials, granted bail to the petitioner.



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. Sadanand Prasad Deo, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shahkund 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 one Nandu Sah 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 undisputedly there being no agreement showing that the shed-cum-godown was taken on rent by the petitioner and only on the statement of son of co-accused Nandu Sah his name has been implicated in this case, when the fact is that the petitioner has no



concern with the shed-cum-godown, in question. He next submits that so far co-accused Nandu Sah is concerned, he has already been allowed bail by this Court in Cr. Misc. No. 31757 of 2022 vide order dated 01.02.2023. He lastly submits that the petitioner is a man of fair antecedent and he is ready to give undertaking that he will fully cooperate in the investigation as well as trial. The petitioner is in custody since 18.04.2022.

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 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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