

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38851 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- EKCHARI District- Bhagalpur

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1. Ravi Kumar S/o Mahesh Mandal R/o village- Ekchari, Diyara, P.S.- Ekichari, District- Bhagalpur
 2. Shanti Bhagat @ Shanti Jayaswal S/o Late Rambaran Bhagat R/o village- Ekchari, Diyara, P.S.- Ekichari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2023 Heard Aarun Kumar Tiwary, learned counsel
appearing on behalf of the petitioners and Mr. Parmeshwar
Mehta, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ekchari P.S. Case No. 24 of 2022, registered under Section 7 of the Essential Commodities Act.

3. The prosecution case, in brief, is that 10 bags of mustard and 10 bags of wheat were seized from the Thela of Ravi Kumar (Petitioner No.1), who disclosed that the said grain was received from the P.D.S. shop of Lal Bahadur Ram.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner is a *Thela* puller and he had been engaged by Lal Bahadur Ram, licence holder of fair



price shop and Shanti Bhagat (Petitioner No.2) is the purchaser. The petitioner's *Thela* was seized by the Supply Inspector without any reason or rhyme. The goods/grains have been transported in course of retail business of petitioner no.2. The petitioners have falsely been roped in this case. The petitioners have clean antecedent and the dealer of P.D.S. shop Lal Bahadur Ram has already been released on bail by a co-ordinate Bench of this Court vide order dated 06.02.2023 passed in Criminal Miscellaneous No. 55161 of 2022.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. This Court has taken note of certain documents annexed at page No. 25 relating to the investigation to have been conducted by the Block Development Officer, who had conducted the physical verification and verified from the stock and the stock register he had not found shortage of any grain, which was required to be distributed among the beneficiaries. It is reported that the petitioner no.2 is running grocery shop and goods were transported in course of business and prima facie no incriminate document have been found to connect the petitioners in black-marketing, the allegation appears to be baseless.



7. Considering the above facts and circumstances of the case as well clean antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-XI, Bhagalpur in connection with Ekchari P.S. Case No. 24 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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