

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40502 of 2023**

Arising Out of PS. Case No.-832 Year-2022 Thana- SUPAUL District- Supaul

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SANJAY YADAV S/O ANIRUDH YADAV R/O Village- Gauravgarh Ward
No. 5, P.S- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023

Heard the parties.

The petitioner is in custody since 23.2.2023 in connection with Supaul P.S. Case No. 832 of 2022 for the offence punishable under Section 7 of the Essential Commodities Act lodged on 28.8.2022 by the informant Jyoti Gami.

The prosecution story, in brief, is that the informant submitted her written application on 27.08.2022 at about 9.30 hours, the Sub-Divisional Office, Supaul received a secret information that government subsidized food grains were illegally sold in the house of Mukesh Kumar and FCI marked 18 quintals of 50 K.G. Arva rice (50 kg per bag) was/were found in 37 sealed bags, which were brought to Sadar Police Station Supaul. A written application was filed by said landlord Mukesh



Kumar stating that the room in which the food grains were found was taken by the accused petitioner on rent, On 01.06.2022. Thus the FIR.

It has been submitted by the learned counsel for the petitioner that though he runs a general store, he had nothing to do with the alleged recovery/seizure as the house belongs to Mukesh Kumar who shifted the responsibility/allegation on him and thus he came to be implicated in this case.

Further, he has already suffered by being in custody since 23.2.2023 (as stated in para-12 of the petition)

The last submission is that without accepting the allegation and/or outcome of the present petition, would like to contribute to the state exchequer to the tune of Rs. 20,000/- in the office of the Collector, Supaul through the Demand Draft of the local Bank through the learned trial court.

Learned APP opposes the prayer stating that the allegation is that he had taken the room on rent from Mukesh Kumar and as such he has been rightly been implicated in this case.

Taking into account the submission put forward by the learned counsel for the petitioner as also his period of custody (23.2.2023) and ultimately will have to face the trial,



this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No. 832 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-Jyoti

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