

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44815 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- BITHAN District- Samastipur

Mahtab Hasan S/O- Md. Mustak Bismil Village- Barahi, Ps- Bithan Dist-
Samastipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

3. As per the prosecution, the District Rationing Officer is the Informant in this case, who has lodged case against the PDS dealers upon recovery of rice which was kept on a tractor from which total 91 bags, each bag containing 50 kg of rice, were recovered.

4. It is submitted by learned counsel for the petitioner that initially the PDS dealers were made accused but during investigation the petitioner, who is the driver of the tractor, was also made accused in this case. Counsel submits that the petitioner is merely a driver and he has disclosed every aspect of the matter before the police and investigating officer, with

regard to receiving and delivering the said rice bags. Counsel also submits that under Section 7 of Essential Commodities Act, the offender is always the person who is responsible for keeping and selling rice in violation of standing orders. He submits that in the present case the petitioner is the driver and his antecedent is clean and he has just followed the instructions of his owner i.e. the tractor owner.

5. Learned APP for the State opposes the prayer for bail but also submits that it is true that the petitioner is the driver of the tractor.

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rosera at Samastipur, in connection with Bithan P. S. Case No.124 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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