

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46239 of 2022

Arising Out of PS. Case No.-16 Year-2019 Thana- BARARI District- Katihar

AMIT KUMAR SINGH Son of Daya Shankar Singh Resident of Village -
Sakraili, P.O. Semapur, P.S. Barari, District - Katihar (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and the learned

APP for the State.

The petitioner apprehends his arrest in connection with
Barari P.S. Case No.16 of 2019 instituted under Sections 7 of
Essential Commodity Act.

As per the prosecution story, the local villagers chased and
intercepted a vehicle loaded with food grains and when the driver
was inquired, he informed that it has been loaded from the godown
of Om Prakash Sah. Accordingly, the truck was seized and FIR was
lodged.

The petitioner is the owner of the seized vehicle.

Learned counsel for the petitioner submits that although
the pickup van belongs to him, it was given on lease to the father of
the driver. However, although he concedes that nothing of that has
been incorporated in the present petition. It is his last submission that
before the sub-ordinate court, he attempted twice for anticipatory bail



but could not succeed and in the process three years have lapsed and now he is preferring the anticipatory bail. He further intends to deposit Rs.25,000/- to the Bihar State Legal Services Committee through Bank Draft issued by the State Bank of India Branch irrespective of the outcome of the present petition.

Taking into account the fact that the grains were alleged to have been loaded from the godown of Om Prakash Sah, the said Om Prakash Sah has been granted bail as has been submitted by the learned counsel for the petitioner as also the driver of the vehicle who was arrested from the spot, this Court is inclined to grant him relief, subject to payment of Rs.25,000/- as undertaken above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Barari P.S. Case No.16 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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