

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50365 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- CHAUSA District- Madhepura

Om Prakash @ Om Prakash Yadav Son Of Late Mithilesh Yadav @ Late Barlesh Yadav Resident Of Village- And Po- Bhatgama, Ps- Chousa, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Chausa P. S. Case No. 80 of 2023, registered for the offences punishable under Section 379 of the Indian Penal Code.

3. Prosecution story in brief is that on 18.03.2023, the informant received information on telephone that Arwa rice is loaded on a truck in Bhatgama for its black-marketing. On search, it is found that 495 bags of Arwa rice, total weight 247.50 qts., were loaded in the truck. It is further alleged that the truck was standing in the godown of the



petitioner. It is further alleged that 80 bags of rice were also stocked in the godown. The petitioner alleged to have run away from the spot.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the allegation, huge amount of rice has been found in godown of the accused-petitioner. He also submits that storage of such amount of rice is not an offence under any Act. He further submits that rice is a decontrolled item and does not require license under the provisions of Bihar Trade Articles (Licenses Unification) Order, 1984.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before the Hon'ble Apex Court.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.



8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the **Ld. 1st Additional District and Sessions Judge cum Special Judge, Madhepura**, in connection with **Chausa P. S. Case No. 80 of 2023**, subject to the conditions as laid down under **Section 438 (2) Cr.P.C.** and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The application stands allowed accordingly.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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