IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60123 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- HALSI District- Lakhisarai

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Mahesh Kumar @ Mahesh Saw Resident Of Rajendra Saw Resident Of Village - Narayanpur, P.S. - Barbigha, District - Sheikhpura

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Halsi (Ramgarh Chowk) P.S. Case No. 221 of 2022 registered for the offences punishable under Section 7 of the Essential Commodities Act. He has got clean antecedent.

3. As per the prosecution story, the informant (Block Supply Officer) received information that subsidized wheat and rice are being carried on a pickup van for black-marketing. The informant along with the police officials reached at the place of occurrence and intercepted a van from which driver and one another person tried to flee away but were apprehended. The vehicle was searched from which 7.50 quintals wheat and 12.5

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quintals rice was recovered which was seized.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the FIR. It is further submitted that petitioner is the owner of the vehicle and he has no concern with the alleged black-marketing of wheat and rice.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the fact that the petitioner is the owner of the vehicle in question and the vehicle was hired by the co-accused for transportation of wheat and rice, the submission being that the petitioner was not involved in the alleged black-marketing of the wheat and rice and his role was limited to transportation work, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Halsi (Ramgarh Chowk) P.S. Case No. 221 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Lakhisarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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