

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58303 of 2022

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

PRAHLAD KUMAR AGRAWAL S/O LATE RAMAVTAR AGRAWAL @
LATE RAMOTAR BAJORIYA Resident of Village- Bithan, P.S.- Bithan,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Bithan P.S. Case No.124 of 2022 instituted under Sections
7 of Essential Commodities Act, 1955.

As per the prosecution story, the informant Block
Supply Officer alleged that a tractor was seized loaded with rice
and the Sub-Divisional Officer, Rosera gave direction to make
inquiry and take proper action.

On the said information it went to the place and upon
inquiry was found that a tractor without registration number was
loaded with 91 hand stitch bags with blue colour containing
Arwa rice weighing 50 Kg. each. Further, the tractor operator
informed that it belong to the petitioner herein a PDS Dealer



bearing License No.427 of 2016.

The informant further alleged that 40-50 persons came to to the police station disclosing that the rice belong to them and after lifting the same from the PDS shop they were carrying to their village. Later the physical verification of the shop was done and it was found that against 232.5 quintal, there was only 232 quintal. Sensing black marketing by the PDS dealer, the present FIR was lodged.

Learned counsel for the petitioner submits that he do not have criminal antecedent, those PDS beneficiaries who had lifted the rice bags themselves presented before the police stating that it belong to them, he has already suffered as his PDS license stands suspended vide memo no.1291 dated 09.07.2022.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that even accepting the aforesaid version when the stock was checked against 232.5 quintal, only 232 quintal was found and as such the allegation is not without any merit.

Taking into account the fact that he do not have criminal antecedent, considering the irregularities that was found in the stock, the PDS license already stands suspended, as stated above, in view of the fact that the FIR has been lodged,



he will have to face the music, this Court is inclined him to privilege of anticipatory bail.

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 Bithan P.S. Case No.124 of 2022 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

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

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(v) 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;

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

(Rajiv Roy, J)

Prakash Narayan /-

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