

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68937 of 2022

Arising Out of PS. Case No.-439 Year-2022 Thana- FATEHPUR District- Gaya

Sughan Saw @ Sudhan Saw @ Sudan Saw Son Of Sukar Saw R/O Vill.-
Morhe Near Block, P.S.- Fatehpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioner is named in F.I.R and
apprehending his arrest in connection with Fatehpur P. S. Case
No. 439 of 2022 registered for the offences punishable under
Sections 406, 420/34 of the Indian Penal Code and Section 7 of
the Essential Commodities Act.

The allegation against the petitioner is to involve in
black marketing of *Arwa* rice, where during the course of raid
total of 4300 KG of *Arwa* rice was found in his possession.



Learned counsel appearing on behalf of the petitioner submitted that rice is not in the list of essential commodities and, as such, any recovery of rice cannot be a reason for initiation of implication under Essential Commodities Act. It is further submitted that petitioner engaged in business of selling and purchasing of rice, where seized rice was purchased from M/S Shri Balajee Trading Company, as per Annexure-2. It is also submitted that allegation is not supporting any ingredients on its face as regard to Section 406 and 420 of the Indian Penal Code. While concluding the argument, it is submitted that petitioner found involved in one criminal case, where he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as petitioner appears to purchase rice in question from a trading company, as per Annexure-2 of the bail petition, accordingly above named petitioner, in the event of his arrest or surrender before learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Gaya/concerned Court, in connection



with Fatehpur P. S. Case No. 439 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:

- “(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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