

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77404 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- ADAPUR District- East Champaran

MADAN PRASAD S/O LATE MOTI LAL SAH VILLAGE- SHYAMPUR
BAZAR, WARD NO. 9, PS. ADAPUR, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420, 467, 468 & 120(B) of the Indian Penal Code.

3. Allegedly, petitioner, who is Proprietor of Jagdamba Bhawani Enterprises, is said to have stored Sella (Usana) rice in huge quantity for the purpose of black marketing.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive and mala fide intention. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The seized rice does not belong to PDS shop. There is



no requirement of any licence for storing Usana rice. It is further submitted that from Memo No. 5248 dated 22.11.2022, it is clear that 1 kg Fortified Rice Kernel rice must be kept inside the packed sacks of 100 kg rice, but the FIR does not disclose that the same FRK was found mixed inside the sacks, which creates serious doubt upon the entire prosecution story. This fact is also mentioned in Annexure 2. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the arguments of the parties, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Adapur P.S. Case No. 245 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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