

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24426 of 2024

Arising Out of PS. Case No.-104 Year-2023 Thana- SISWAN District- Siwan

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Dharmendra Tiwari @ Dharmendra Kumar Tiwari S/o- Ragho Tiwari Village-
Ghurghat Ps- Siswan Dist-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 7 of the Essential Commodities Act.

3. As per prosecution case, on inspection, some irregularities was found in the P.D.S. shop of one Dilip Kumar Singh and his license was cancelled by the Licensing authority on 11.05.2020. It is further alleged that after cancellation of license of Dilip Kumar Singh, the allotment was attached with co-accused Umesh Narayan Tiwari's PDS Shop. It is further alleged that on 09.07.2021, the PDS license of the Dilip Kumar Singh was restored and co-accused Umesh Narayan Tiwari was directed to hand over the grain as well as e-pos machine to Dilip Kumar Singh but no grain was handed over by co-accused



Umesh Narayan Tiwari. It is further alleged that Dilip Kumar Singh stated that about 481.05 quintal rice and 249.49 quintal of wheat was not handed over to him which was received at the time of tagging.

4. It is submitted by learned counsel appearing on behalf of the petitioner that this petitioner is simply a nominee of co-accused Umesh Narayan Tiwari, who happens to be a P.D.S. Shop Dealer. It is next submitted that the petitioner is in no way connected with the alleged offence. It is further submitted that co-accused Umesh Narayan Tiwari has already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 11.10.2023 passed in Cr. Misc. No. 62309 of 2023. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned S.D.J.M, Siswan, Siwan, in connection with Siswan P.S. Case No.104 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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