

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77790 of 2023

Arising Out of PS. Case No.-115 Year-2019 Thana- MASHRAK District- Saran

Rameshwar Singh Son Of Late Shiv Bhajan Singh R/O Village- Masharak
(EAST Tola), P.O. and P.S.- Masharak, District- Saran At Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rananjay Kumar, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Masharak P.S. Case No. 115 of 2019, registered on 28.03.2019 for the offences under Sections 7 of the Essential Commodities Act.

3. As per prosecution case, on the basis of secret information about petitioner storing the rice of Public Distribution System in the house of co-accused Manoj Prasad, a raid was conducted and 6.5 quintals of Arwa rice was recovered from the house. Thereafter, a raid was conducted on the shop of the petitioner, who was not present at the spot and due to his absence the shop could not be searched and police found about 20 litres of kerosene oil about 500 meters away from the house



of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no allegation against the petitioner that he indulged in black marketing of the PDS articles and there was no basis for secret information. Police investigated the matter and thereafter recorded its finding that the PDS articles received by the petitioner matched with the quantity available in the shop. The petitioner has nothing to do with the recovered rice from co-accused Manoj Prasad and kerosene oil lying in the field. Co-accused Manoj Prasad has been granted anticipatory bail vide order dated 18.10.2019 passed in Cr. Misc. No. 46570 of 2019 by a Co-ordinate Bench. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner without any specific detail and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saran at Chapra/concerned court in connection with Masharak P.S. Case No. 115 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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