

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5460 of 2024

Arising Out of PS. Case No.-137 Year-1992 Thana- AHIYAPUR District- Muzaffarpur

Jai Lal Sahni Alias Jay Lal Sahani Asharfi Sahni R/o Village- Rasulpur Salim,
PS- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with
Ahiyapur P.S Case No. 137 of 1992 from the Court of
learned S.D.J.M. East, Muzaffarpur registered for the
offence punishable under Section 7 of Essential
Commodities Act.

3. Allegation against the petitioner is to have
committed irregularities being the PDS dealer by not
holding the notice board on the shop and also not
highlighting the list of price on any board. It is further
alleged that petitioner had taken sugar and kerosene oil



from different cash memos in the different dates and the same were sold in black market. The local people have also made allegations against this petitioner that he used to close his shop always and never distributed the food grains. The further allegation against the petitioner is that he was earlier granted bail by the trial court but he did not appeared on trial before the trial court from long time due to which his bail bond got cancelled by the trial court.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that petitioner being a layman as well as very poor having no sense of law and due to which he failed to fulfill the condition imposed by the trial court. It is also submitted that petitioner is in judicial custody since 18.06.2023 and petitioner has got no criminal antecedent as stated in para 3 of the petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner and submitted that bail bond of petitioner was earlier cancelled in trial court due to his negligence.

6. On perusal of the FIR, impugned orders passed



by the trial court it appears that this case was registered in 1992 and petitioner was granted bail on merit. But due to long time absence in the trial court proceedings and no satisfactory explanation for the reason and also till then he is in habit to misuse the privilege of bail. This Court is not inclined to grant bail to the petitioner.

7. Learned trial court is directed to conclude trial within one year as already directed by learned Sessions Judge, Muzaffarpur vide order dated 23.08.2023.

(Ramesh Chand Malviya, J)

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