

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88625 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- MALAYPUR District- Jamui

Prabhat Kumar Son of Arjun Saw Resident of Taitariya, P.S.-Laxmipur,
District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sushmita Mishra

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2025 1. 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 3(5),
61(2), 303(2), 317(2), 317(4), 338, 340(2), 318(2) and 318(4) of
the BNS and Section 7 of the E.C. Act.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is next
submitted that in sum and substance, the allegation as alleged in
the FIR is that 610 bags of *usna* rice was found in a vehicle and
the cumulative weight of the 610 bags of *usna* rice was 257.20
kg and petitioner is owner of the said vehicle.

4. The learned counsel for the petitioner submits that
rice is not a controlled commodity. It is next submitted that if



the rice was recovered from the vehicle, then the same ought to have been brought from some place or trader, but then in the instant case, neither any trader nor any P.D.S. dealer has been made an accused. It is next submitted that there is no bar in carrying rice which is a free commodity and especially when it is not the case of the prosecution that the rice found was meant for being distributed amongst the beneficiaries.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Malaypur P.S. Case No.78 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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