

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24837 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -PIRO District- BHOJPUR

Vakil Chaudhary

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2015

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 10200 quintals of paddy by the Bhojpur unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 6834 quintals of custom milled rice but the petitioner supplied only 4050 quintals of custom milled rice and failed to supply 2784 quintals of processed rice worth ₹60,28,919.04/-.

It is submitted that petitioner made all efforts to



supply the processed rice but the authority did not accept the same and for the purpose of supply back the processed rice several letters were written and notices issued in certificate proceeding was challenged in a writ application before this Court. Moreover, certificate proceeding being Certificate Case No. 38 of 2014-15 has also been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of six months in favour of The Bihar State Food and Civil Supplies Corporation, Patna which will be subject to the result of certificate or any other proceeding.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seven months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on

furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara in connection with Piro P.S. Case No. 123 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount within a period of six months.

(Dinesh Kumar Singh, J)

Amrendra/-

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