

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31669 of 2015

Arising Out of PS.Case No. -86 Year- 2015 Thana -BIHPUR District- BHAGALPUR

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1. Khagesh Sah S/o Prabhunath Sah Resident of Village lattipur, Police
Station Bihpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supply Corporation, Bihar, Patna through
its Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf
For the State : Ms. Gulnar Begum, APP
For the B.S.F.C. : Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-08-2015 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the B.S.F.C.

The petitioner apprehends his arrest in connection
with Bihpur P.S. Case No.86 of 2015 registered under Sections
420, 406, 407, 304 of the Indian Penal Code and section 7 of the
E.C. Act.

Learned counsel for the petitioner submits that the
rice recovered from his premises was not delivered to him by the
contractor meant for mid-day-meal. On the contrary, the rice was
purchased from the agriculturist, namely, M/s Ambey Rice Mill
for which he has receipts. It is further submitted that the rice bags,
so recovered, were not belonging to SFC and therefore, the
petitioner cannot be attached with criminal liability.

Considering the afore-mentioned submissions and the
fact that the petitioner was not a PDS dealer, let the petitioner,
named above, in the event of his arrest/surrender in the court

below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Naugachia in connection with Bihpur P.S. Case No.86 of 2015, subject to condition laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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