

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26130 of 2015

Arising Out of PS.Case No. -114 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

Md. Shamim Alam @ Md. Samim Alam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2015

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.

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 11000 quintals of paddy by the Saharsa unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 7370 quintals of custom milled rice. The petitioner supplied only 3787.48 quintals of custom milled rice but failed to supply 3582.52 quintals of processed rice worth ₹77,58,162/-.

It is submitted that processed rice could not be

supplied due to laches on the part of the authorities of Bihar State Food Corporation and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though, Certificate Case No. 10 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shalendra Kumar Singh, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 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, though, statement to that effect has not been made in the petition.

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 J.M., 1st Class, Saharsa in connection with Sour Bazar P.S. Case No. 114 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 bank draft of 20% of alleged due amount within a period of six months. The above deposit will be subject to the certificate proceeding and the same will not be an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

Amrendra/-

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