

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26159 of 2015

Arising Out of PS.Case No. -288 Year- 2015 Thana -SAHARSA District- SAHARSA

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Sabir Ahmad @ Md. Shabbir Ahmad, son of Late Md. Illiyas, resident of
Mir Tola, Ward No. 7 near Masjid, P.S and District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. The Food & Civil Supplies Corporation through the District
Manager, Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Opposite Party/s : Mr. B.Ram(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his 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 the petitioner
being rice miller was supplied 14410.79 quintals of paddy by
the Saharsa unit of The Bihar State Food & Civil Supplies
Corporation under agreement for the agriculture year 2012-13
against which the petitioner was supposed to supply 9655.23
quintals of Custom Milled Rice(CMR) but the petitioner only
supplied 5951.17 quintals and failed to supply 3703.50
quintals of Custom Milled Rice worth Rs. 80,20,107/-/-.

It is submitted by learned counsel for the
petitioner that custom milled rice was not supplied due to the

apathetic attitude of the officers of The Bihar State Food & Civil Supplies Corporation. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and under the terms of the agreement the Bihar State Food & Civil Supplies Corporation is authorized to take legal action for recovery of the due amount. He further submits that certificate proceeding has been decided against the petitioner. Though counsel for the petitioner submits that under a wrong advice instead of appeal against the order of certificate officer, suit has been filed.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount through bank draft before The Bihar State Food & Civil Supplies Corporation, Patna within a period of seven months.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for eight months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 288 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the alleged due amount within a period of seven months.

The aforesaid deposit will be subject to the alternate result of the certificate proceeding or any other proceeding initiated.

(Dinesh Kumar Singh, J)

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