

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29294 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -IMADPUR District- BHOJPUR

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1. Narendra Kumar Tiwari S/o Late Hari Narayan Tiwari Proprietor
Basmati Rice Mill, Moapkala Mopti, Police Station Imadpur, District
Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Ltd. Bhojpur at Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath
For the Opposite Party/s : Mr. C.Jawahar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 27-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest
in a case registered for the offences punishable under Sections
406,409,420 and 120B of the Indian Penal Code and section 7 of
the E.C. Act.

The prosecution case is that Bhojpur unit of Bihar State
Food and Civil Supplies Corporation supplied 10929 quintals of
paddy to the petitioner being rice miller under an agreement
during the agricultural years 2012-13 and the petitioner was
supposed to supply 7322.43 quintals of custom milled rice. The
petitioner supplied only 3240 quintals of processed rice but failed

to supply 4082.43 quintals of processed rice worth Rs.88,40,747.11/-.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to poor quality of paddy and the apathetic attitude of the officials of the Bihar State Food and Civil Supplies Corporation. More over under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated legal proceeding being certificate case no. 37 of 2014-15. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of State Food and Civil Supplies Corporation within six months.

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 six weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM,

Bhojpur at Ara in connection with Imadpur P.S. Case No. 14 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of 20% of the due amount through bank draft within six months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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