

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33050 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -MADHEPURA District- MADHEPURA

Somiya Saroj @ Somya Saroj

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-08-2015

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 and 420
of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner being the rice miller was supplied 105001 quintals of
paddy by the Madhepura unit of The Bihar State Food and Civil
Supplies Corporation Ltd. during the agriculture season 2012-13,
in lieu thereof the petitioner was supposed to supply 7035 quintals
of custom milled rice but he supplied only 433 quintals of custom
milled rice and failed to supply 6602 quintals of processed rice
worth ₹93,87,702/-.

It is submitted that processed rice could not be



supplied due to laches on the part of the authorities of Bihar State Food Corporation Ltd. It is further submitted that CMR loaded on the truck for supply to BSFC was seized and certificate proceeding was initiated. The petitioner has preferred appeal against the order passed in certificate proceeding. Moreover, the officer of Supply Department seized CMR kept in the go-down of the petitioner as a result the petitioner became handicap to make supply. Moreover, under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though, Certificate Case No. 18 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra 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 deposit of 20% of alleged due amount within a period of eleven months through bank draft in favour of The Bihar State Food and Civil Supplies Corporation, Ltd., 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 twelve 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., Madhepura in connection with Madhepura P.S. Case No. 216 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 in favour of BSFC within a period of eleven months.

The above deposit will be subject to the certificate proceeding but the same will not be treated as an admission of the petitioner against the claim of the informant. It is relevant to state that this Court has not expressed any opinion with regard to claim of the petitioner so far as seizure of the grains and initiation of certificate proceedings are concerned.

(Dinesh Kumar Singh, J)

Amrendra/-

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