

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8247 of 2013

Arising Out of PS.Case No. -208 Year- 2012 Thana -RAJPUR District- BUXAR

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1. Ramashish Rai S/O Shri Girija Rai Resident Of Village And P.O. Sarenja, P.S. Rajpur, District Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha (App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

18 13-05-2015

Heard Shri Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner, Shri Vishwanath Prasad Singh, learned counsel appearing on behalf of the Economic Offences Wing, Shri Shailendra Kumar Singh, learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation and Shri Ajay Kumar Jha, learned counsel appearing on behalf of the State.

The gist of the allegation is that paddy purchased from the farmers during the year 2011-12 to the tune of 30924 quintals were delivered to the petitioner directly from different centres for making rice in his rice mill. The rice which was to be prepared and was to be supplied to the Bihar State Food and Civil Supplies Corporation was to the tune of 20719.08 quintals.

The allegation is that the petitioner did not hand over 20,719.08 quintals of rice which he was to prepare out of 30924

quintals of paddy and had merely supplied 1,346 quintals of rice. In money terms, the petitioner has, thus, defalcated or misappropriated as the case may be, the rice or paddy as the case may be of the value of Rs.3,69,85,575.49.

Sri Singh, the learned senior counsel appearing on behalf of the petitioner submitted that it might be a truth that the stores issue orders were issued and the store issue orders might also have indicated the direct receipt of the paddy by the petitioner, but the matter of the fact was that the petitioner had not received any quintal of paddy directly. As per Shri Singh the petitioner was to carry the store issue order to the centre where the paddy had been stored and from there the duty was of the Assistant Godown Manager or the Godown Manager to facilitate the transportation of the supplied quantities of rice to the rice mill of the petitioner. Shri Singh was emphasizing before me that this procedure for supplying the paddy was never followed by the purchase centres or through them, the Bihar State Food and Civil Supplies Corporation.

In order to castigating the submissions of Shri Singh the learned counsel appearing on behalf of the petitioner, that's Bihar State Food and Civil Supplies Corporation, has produced before me receipts showing supply of paddy which indicated as if the petitioner had himself received different quantities of paddy on different dates. The copy of the document was not initially made

over to Shri Singh and the same was not made over by me to him and on perusal of the receipts, I find it very difficult to repel the contention of Bihar State Food and Civil Supplies Corporation. The documents are there indicating the direct supply of the paddy because no other document has been placed before this Court by the petitioner to substantiate his submissions. Some of the documents which was presented before the Court for its perusal by the learned counsel Bihar State Food and Civil Supplies Corporation also indicate that delivery of 12,500 bags amounting to 5,000 quintals in paddy had been made to the petitioner through the transporters also which is available from the store issued order of dated 06.03.2012 and 15.03.2012. These are bilateral records leaving little room for accepting the contention of the petitioner. The case involves huge quantity of misappropriation of public fund which could never allow this Court to direct the release of the petitioner on anticipatory bail.

The petition lacks merit and the same is dismissed. Any order of stay on arrest of the petitioner shall stand vacated.

(Dharnidhar Jha, J)

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