

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27519 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -SIDHWALIA District- GOPALGANJ

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Ajit Sharma @ Ajit Kumar Sharma @ Ajit Kumar Sharma s/o Shri Sheosahaya Sharma R/o village Cheful, P.S. - Manjhi, Distt. - Saran , Block Agriculture Officer Sindhawalia, P.S.- Sindhawalya, District Gopalganj. At present Block Agriculture Officer, Karpi, Arwal.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food Corporation , Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Yogesh Chandra Verma, Sr. Advocate.
	Mr. Surendra Kumar Mishra, Advocate.
For the Opposite Parties	: Mr. Sanjay Kumar Pandey (App)
For the B.S.F.C.	: Mr. A. N. Rai, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 13-10-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

The gist of the allegation against the petitioner is that the petitioner being Block Agriculture Officer, Sindhawalia purchased 21025.50 quintals of paddy, but supplied only 16872.36 to the millers. Similarly the petitioner also purchased 8002.00 quintals of paddy and supplied only 7907.97 quintals to the millers. There was a shortage of 4153.14+94.03 quintals of paddy and the amount of which comes to Rs. 60,74,727.00/-.



Shri Yogesh Chandra Verma, learned Senior counsel appearing on behalf of the petitioner submits that the petitioner, of course, was entrusted to purchase the paddy and supply the same to the millers, but due to paucity of space in the godown the petitioner after purchasing paddy, left it to the Chairman of different PACS. It is submitted that from perusal of Annexure-2 series it would appear that the petitioner purchased 2273.55 quintals of paddy from Shri Mohan Pandey, Chairman of Buchaiyan PACS, but he supplied only 1816.35 quintals of paddy and the remaining 457.20 quintals of paddy was left lying with Shri Mohan Pandey. Similarly, 280.00 quintals of paddy is lying with Shri Satyendra Singh, Chairman of Budhsi PACS. 1381.30 quintals of paddy remained lying with Shri Ajay Rai, Chairman of Jalalpur Kalan, PACS. It is further submitted that the petitioner wrote several letters to the District Manager, Bihar State Food Corporation, Gopalganj that due to non-lifting of paddy in time, the quality of paddy was deteriorated and on account of drying there shall be a shortage. It is also submitted that similarly situated accused Motilal Mahto, of course, is an accused in another case has been granted anticipatory bail in Cr. Misc. No. 31182 of 2015.

From perusal of the of the record, I find that the petitioner has purchased 29027.50 quintals of paddy and delivered

to the millers only 24780.33 quintals of paddy. The petitioner misappropriated 4247.17 quintals of paddy and the amount of which comes to Rs. 60,74, 727.00. The paddy was lifted in the year 2012-13 and the petitioner was given notice on several occasions but he did not pay any heed.

Considering the facts that huge quantity of paddy was misappropriated by the petitioner, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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