

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15197 of 2015

Arising Out of PS.Case No. -237 Year- 2014 Thana -NAUHATTA District- SAHARSA

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Ram Abdhesh Singh S/o Late Tulsi Singh Resident of Village Larai Bishanpura, P.S. Kargahar, District Rohtas at Sasaram, the Assistant Godown Manager-cum-Incharge Purchase Centre, Nauhatta, P.S. Nauhatta, District Saharsa.

.... Petitioner.

Versus

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

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 23-06-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the Assistant Godown Manager is languishing in custody since 11.12.2014 in a case registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code.

The prosecution case as per written report of the District Manager, State Food Corporation, Saharsa dated 11.12.2014 to the effect that for the crop season 2012-13, 19002.90 quintals paddy was purchased from the farmers and the PACS centres by the petitioner being Assistant Godown Manager

—cum- Purchase Centre Incharge, out of the total procured paddy the documentary evidence was produced either for supply or stored in base godown of 10644.50 quintals of paddy, but with regard to 8358.40 quintals no documentary evidence was produced, hence, petitioner misappropriated 1405.40 quintals of paddy worth Rs.1,17,46,895.40.

It is submitted by learned senior counsel for the petitioner that this Court vide order dated 24.04.2015 directed counsel for the SFC to produce stock register as well as register showing supply of the food grains to the Rice Millers but the same have not been produced. The letter of Circle Officer, Nauhatta dated 09.12.2014 reflects that the petitioner was directed to be present on 11.12.2014 at 10.30 A.M. for physical verification of the godown, though the petitioner was arrested on 11.12.2014 itself. Information supplied under R.T.I. reflects that the physical verification of the godown was made on 18.12.2014 in presence of Circle Officer, Nauhatta, Officer-in-charge, Nauhatta and the successor of the petitioner in office as Assistant Godown Manager, SFC, Nauhatta. Hence, the FIR was lodged after without physical verification of the godown. It is further submitted that Annexure-7 reflects that entire quantity of 19002.79 quintals paddy procured were supplied to different Rice Millers. Hence, the

entire prosecution case is based on speculation and suspicion. Moreover, the investigation has already concluded.

It is submitted by Mr. Shailendra Kumar Singh learned counsel for the SFC relying on the counter affidavit filed today that the stock registers and the supply registers were not made available to him in spite of his best effort. Though, the other document reflects that 8358.50 quintals of paddy were not supplied to the Rice Millers.

Considering the fact that the FIR prima facie appears to have been lodged without actual physical verification of the godown and the investigation being concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saharsa in connection with Nauhatta P.S. Case No. 237 of 2014.

DKS/-

(Dinesh Kumar Singh, J)

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