

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32433 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -PIRO District- BHOJPUR

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Binod Choudhary S/o Subhash Chaudhary

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kr.Roy(App)

For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2015

Heard learned counsels for the petitioner and Bihar

State Food and Civil Supplies Corporation Ltd.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409, 406, 420,34 of the Indian Penal Code and 7 of the Essential Commodities Act.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 5995.20 quintals of paddy by the Bhojpur unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2012-13 in lieu thereof he was supposed to supply 4016.78 quintals of custom milled rice. The petitioner supplied only 2430 quintals of custom milled rice but failed to supply 1586 quintals of

processed rice worth ₹34,36,275.96/-.

It is submitted by learned counsel for the petitioner that processed rice could not be supplied due to laches on the part of the authorities of the Bihar State Food and Civil Supplies Corporation Ltd. and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, the certificate proceeding was also initiated being Certificate Case No.38 of 2014-15.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2012 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount of ₹34,36,275.96/- within a period of five 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 six 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No.123 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 of ₹34,36,275.96/- within a period of five months.

The above deposit will be subject to any proceeding pending or initiated for recovery of due amount but the same will not be treated as an admission of the petitioner against the claim of the informant.

Ashwini/-

(Dinesh Kumar Singh, J)

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