

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36640 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Pawan Kumar Son of Rameshwar Prasad Singh Resident of village -
Sihma, P.S. Matihari, District - Begusarai

.... Petitioner/s

Versus

1. District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Supaul
2. Economic Offences Unit, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kamal

For the Opposite Party/s : Mr. Vishwanath Pd.Singh(Eou)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-09-2015

Heard learned counsel for the petitioner,
learned senior counsel for the Economic Offences Unit, learned
counsel for the BSFC and learned counsel for the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
406,420, 467, 468, 471, 120B of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 8602.60 quintals of paddy by the
Supaul unit of The Bihar State Food & Civil Supplies
Corporation Limited under agreement during the procurement
years 2011-12, in lieu thereof the petitioner was supposed to
supply 5763.744 (67% of paddy supplied) quintals of Custom
Milled Rice(CMR). The petitioner supplied only 135 quintals
and failed to supply 5628.744 quintals of Custom Milled Rice
worth Rs. 10,71,22,315.69/-/-.



It is submitted by learned counsel for the petitioner that custom milled rice could not be supplied due to the latches on the part of the authorities of The Bihar State Food & Civil Supplies Corporation Limited. The certificate proceeding has been quashed and Rs. 1,73,09,427/- with regard to transportation charges have been adjusted by the authorities of The Bihar State Food & Civil Supplies Corporation. Hence, now the due amount is Rs. 8,98,12,888.69/-. Hence, by way of adjustment of the transportation charges the petitioner has deposited more than 15% of the alleged due amount.

It is submitted by Mr. Shailendra Kumar Sinha, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2012 and the appeal is pending against the order quashing the certificate proceeding.

However, learned counsel for the petitioner submits that petitioner is ready to deposit Rs. 50,00,000/- within a period of six months in six equal installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

Mr. Bishwanath Singh, learned senior counsel for the Economic Offences Unit submits that petitioner

should deposit 20% of the remaining due amount which is Rs. 8,98,12,888.69/-.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for seven months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Economic Offences P.S. Case No. 05 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of Rs. 50,00,000/- within a period of six months in six equal installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna.

The aforesaid deposit will be subject to certificate proceeding but the same will not be treated as an admission of the petitioner against the claim of the informant.

Shageer/-

(Dinesh Kumar Singh, J)

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