

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27727 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -PARASBIGHA District- JEHANABAD

1. Uday Prasad Sharma S/o Raja Ram Sharma

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation, Jehanabad

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileswar Prasad Singh, Sr. Advocate
Mr. Bimal Kumar, Advocate

For the Opposite Party/s: Mr. Satyendra Narayan Singh(App)

For the BSFC : Mr. A. N. Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015

Heard learned counsels for the petitioner and The Bihar State Food and Civil Supplies Corporation.

The petitioner being rice miller is apprehending arrest in a case registered for the offences punishable under Sections 409, 420 and 120B 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 11690.40 quintals of paddy by the Jehanabad unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 67% of custom milled rice to the tune of 7832.57 quintals but the petitioner supplied only 4320 quintals of custom milled rice and failed to supply 3512.57 quintals of

processed rice worth ₹76,06,681/-.

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 Corporation and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Though, the certificate proceeding has already been initiated being Certificate Case No.5/2014/15. The petitioner is still ready to supply the balance processed rice.

It is submitted by learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, The Bihar State Food and Civil Supplies Corporation is empowered to initiate legal action for recovery of due amount. Though, certificate case has already been initiated being Certificate Case No.5/2014/15.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of seven months through bank draft in favour of The Bihar State Food and Civil Supplies Corporation, 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 eight 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 Sub-Divisional Judicial Magistrate, Jehanabad in connection with Parasbigha P.S. Case No.31 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 within a period of seven months.

The above deposit will be subject to the certificate proceeding but will not be treated as admission of the petitioner to the claim of the informant.

(Dinesh Kumar Singh, J)

Ashwini/-

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