

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29917 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -VIJAYPUR District- GOPALGANJ

1. Adalat Gond S/o Late Kailash Gond Resident of village - Nawka Tola,
P.S. Vijaipur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Umesh Lal Verma (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Vijaipur P. S. Case No. 123 of 2014 registered for the offence
punishable under Section 7 of the E. C. Act.

Learned counsel for the petitioner submits that he is a
P.D.S. dealer since twenty two years without any complaint from
any corner of the society but suddenly the petitioner's dealership
was cancelled. The petitioner was supplied food grains up to
April, 2014 from the department. He failed to deliver food grain
of the Month of May, 2014 to the consumer due to engagement in
the treatment of his wife and another PDS dealer by name of
Bimla Devi had taken the delivery of May, 2014 and in support of

the innocence of the petitioner, photo copy of documents have been filed.

Learned counsel for the petitioner further submits that for the month of May, 2014 to September, 2014 the advance made by him to supply food grain was recovered from the said Bimla Devi, who had received supply of food grains in view of the order of the Block Supply Officer (Annexure-2). It is thus submitted that the petitioner was not liable to make any supply of the food grains to the consumer at all and the allegation made in the F.I.R. was wholly uncalled for and unjustified.

Learned counsel for the petitioner has also drawn my attention to Annexure-2 in which the shop of said Bimla Devi was inspected by the Block Supply Officer-cum- Circle Officer, Bijaipur and she requested to direct the authority to inform the petitioner to come and collect his money and consequent thereto, the petitioner has already received the same.

Considering the aforementioned facts and circumstances and also the fact that the petitioner's dealership was already cancelled on the date of the F.I.R. and the petitioner has no criminal antecedent, let the petitioner namely, Adalat Gond in the event of his arrest or surrender before the Court below within a period of three weeks from the date of receipt/production of a

copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Gopalganj in connection with Vijaipur P.S.Case No. 123 of 2014, subject to condition as laid down under Section 438(2) of Cr. P.C.

(Anjana Mishra, J)

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