

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23298 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

1. Dileep Kumar Sah @ Dileep Sah S/o Badri Prasad Sah R/o Village Industrial Area Buxar, P.S. Buxar Industrial Area, District Buxar, Bihar, proprietor M/s Sonu Mini Rice Mill, Industrial Area, Buxar.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sudha Chandra

For the Opposite Party : Mr. Shailendra Kumar 2 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2015

Heard learned counsels for the petitioner

and the State.

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

The prosecution case is that the petitioner being rice miller was supplied 15500 quintals of paddy by the Buxar unit of Bihar State Food & Civil Supply Corporation under agreement for the agriculture year 2011-12 against which the petitioner was supposed to supply 10385 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 2160.93 quintals of Custom Milled Rice worth Rs. 1,56,51,480/-.

It is submitted by learned counsel for the petitioner that petitioner was ready to supply the rice but it was

S.F.C, Buxar unit which did not lift the processed rice and the same is still lying with the petitioner and the petitioner is still ready to supply the same. Moreover the certificate proceeding is still pending but the same is not maintainable as there was no stipulation in the agreement to that effect.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the Bihar State Food & Civil Supply Corporation that within the stipulated period the CMR rice was not supplied and now the Food Corporation of India has decided not to accept the rice, though admits that certificate proceeding is going on.

The petitioner undertakes to deposit 20% of the alleged defalcated amount within a period of nine months through bank draft before Bihar State Food & Civil Supply Corporation.

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 nine 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, Buxar in connection with Buxar(Industrial Area) P.S. Case No. 63 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 20% of the alleged due amount.

The aforesaid deposit will be subject to the certificate proceeding.

(Dinesh Kumar Singh, J)

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