

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29858 of 2015

Arising Out of PS.Case No. -173 Year- 2012 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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Amresh Kumar Sinha S/o Late Akhauri Devi Prasad Verma Resident of
village - Etwarpur Pakri, P.S. Lalganj, District - Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate with
Mr. Dhananjay Nath Tiwary, Advocate

For the Opposite Party/s : Mr. Atul Chandra(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-10-2015

Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State.

The petitioner, who is an authorized dealer of Kerosene Oil in the District of Vaishali, is apprehending his arrest in connection with Lalganj P.S.Case No. 173 of 2012 registered under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that an FIR has been lodged against him alleging diversion of wholesale kerosene oil to the tune of 28633.75 litres, which quantity as per the petitioner is wholly misconceived and not based on the stock register available with the petitioner in his godown. Learned counsel further submits that the misconception arose on account of the fact that earlier supplies were altogether ignored rather the stock was looked into by the Block Supply Officer and the entire FIR was lodged in a hot haste. While drawing the attention to certain calculation made in paragraph-11 of the bail application learned counsel for the petitioner has tried to explain that in fact

there are no discrepancies as is evident from the said calculation.

He submits that after careful analysis of the amount of K.Oil lifted by the petitioner and that distributed in the two Blocks, namely Hajipur and Lalganj, the remaining K.Oil was only 445.25 litres which is the alleged diverted quantity of K.Oil. Thus, since such stock is available in the godown of the petitioner no case is made out against him.

Learned counsel for the State submits that perhaps there has been some miscalculation on the part of the Block Supply Officer, which can well be ascertained from the records of the case.

Considering the aforementioned facts and circumstances of the case, let the petitioner, above named, in the event of his arrest/surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each in connection with Lalganj P.S.Case No. 173 of 2012 to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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