

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24284 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -RAJPUR District- BUXAR

=====

1. Shammi Kapoor Das, Son of Sri Motilal Das @ Moti Das, resident of Village- Boknari Kalan, Police Station- Makhdumpur in the district of Jehanabad. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Bihar, Patna. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sushant Kumar, Advocate
For the State : Mr. Subash Chandra Mishra (APP)
For the BSFC : Mr. Sachin Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 09-08-2016 Heard both sides.

The petitioner apprehends his arrest in Rajpur P.S. case No.129 of 2015 under Section 406, 409, 420, 120B of the Indian Penal Code.

The petitioner was made Paddy Purchase Centre Incharge of Tiyyara Baghelwa in the year 2011-12. The petitioner purchased 74084.11 quintals of paddy but he delivered only 72563.64 quintals of paddy to the different millers. The petitioner did not deliver 1520.47 quintals of paddy. Similarly, the petitioner was made Incharge of Paddy Purchase Centre, Vyapar Mandal, Rajpur in the year 2012-13 and he purchased 92009.36 quintals of paddy but he delivered only 85770 quintals paddy to different millers on SIO and 6239.36 quintals of paddy remained with the petitioner and thereby the petitioner misappropriated a sum of Rs.

1,099,1591.88/-. It is further alleged that the petitioner did not produce purchase register and stock register in the department even after lapse of many years.

The learned counsel for the petitioner submits that petitioner wrote several letters to the District Manager, BSFC for lifting of paddy lying in the open sky. From perusal of Annexure-4 series it would appear that 2980.13 quintals of paddy was auction sold on 11.07.2015 and 3259.23 quintals of paddy was auction sold on 04.09.2015 but the condition of paddy was deteriorated, therefore, the same was auction sold at the rate of Rs. 151 per quintal.

On the other hand, the learned counsel for the BSFC pointed out that from perusal of page 81 and 82 of the bail petition, the letters written by the petitioner to District Manager, BSFC, it would appear that there was godown available to the petitioner at both places but the petitioner knowingly did not supply the paddy and allowed the same to be deteriorated. There was shortage of huge quantity of paddy. The petitioner did not submit the purchase register and stock register in the department and kept the same with him illegally. Later on the petitioner submitted the registers in the court below.

It appears that petitioner was made Incharge of Purchase Centre, Tiyyara Baghelwa in the year 2011-12 but he did

not account for 1520.47 quintals of paddy causing loss of Rs. 19,38,746.88/- to the BSFC. Similarly, in the year 2012-13 the petitioner was made Incharge of Purchase Centre, Vyapar Mandal, Rajpur and he purchased 92009.36 quintals of paddy but delivered only 85770 quintals of paddy to different millers on the basis of SIO and the petitioner did not account for 6239.36 quintals of paddy. The petitioner did not submit purchase register as well as stock register in the department. The letters written by the petitioner himself at page 81 and 82 show that the petitioner kept the paddy in the godown available at both centers.

The learned counsel for the BSFC submitted that any other letter annexed with the bail petition was not received by the department and the petitioner himself prepared the letters in order to show that he is writing letters to the District Manager, BSFC.

Considering the fact that petitioner did not account for huge quantity of paddy purchased by him in two financial years and thereby caused loss of Rs. 1,099,1591.88/- to the BSFC, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--