

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17186 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -DHORAIYA District- BANKA

Manoj Kumar Singh, Son of Karu Prasad Singh, Resident of Mohalla - Birnodha, P.S. Shambhuganj, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Co. Ltd. Banka.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate & Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. A. Haque Sahara, A.P.P.

For the BSFC: Mr. Niraj Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 09-08-2016 Heard both sides.

The petitioner apprehends his arrest in Dhoraiya P.S. Case No. 02/2016 registered under Sections 409 and 420 of the Indian Penal Code.

The informant, District Manager, Bihar State Food and Civil Supplied Corporation Limited, Banka, alleged that the petitioner, being the Block Agricultural Officer-cum-In-charge of the Dhoraiya Purchase Centre, purchased 65369 quintals of paddy but he supplied only 47410.99 quintals of paddy to different millers and 17958.01 quintals of paddy remained with the petitioner. The petitioner did not supply the aforesaid paddy to millers and misappropriated the entire amount.



Sri N.K. Agrawal, learned senior counsel for the petitioner, submits that from perusal of Annexures-3, 4 & 5, it would appear that the District Manager, BSFC, wrote a letter to the petitioner to supply the paddy to M/S Ambey Rice Mill. On the basis of the aforesaid direction, the petitioner supplied 14911.44 quintals of paddy to Sri Ashok Kumar Sah, owner of M/S Ambey Rice Mill, who had earlier received 10880.56 quintals of paddy on the basis of Stock Issue Order (SIO) but Sri Ashok Kumar Sah did not hand over the SIO and he only put signature on challans of different truck drivers. The petitioner also made complain to the Manager of the BSFC but no reply was given. It is further submitted that from perusal of Annexure 7 (at page 110), it would appear that the petitioner informed the District Manager, BSFC that Sri Ashok Kumar Sah is not the owner of M/S Ambey Rice Mill and he illegally makes contract for milling the rice after taking paddy from the Purchase Centre. Therefore, the petitioner is not at fault at any point of time.

It appears from perusal of the records that the petitioner was the In-charge of Dhoraiya Purchase Centre and he purchased 65369 quintals of paddy, out of which he supplied only 47410.99 quintals of paddy to different millers on the basis of SIO. It is the contention of the petitioner that he supplied 14911.44

quintals of paddy to Sri Ashok Kumar Sah, owner of M/S Ambey Rice Mill, but he did not hand over any SIO. The Purchase Centre In-charge was directed to hand over the paddy only on the basis of the SIO. Later on, the petitioner himself stated that Sri Ashok Kumar Sah is not the owner of M/S Ambey Rice Mill. The godown was searched and on physical verification only 10 quintals of paddy was found inside the godown.

Considering the facts that the petitioner has misappropriated 17958.01 quintals of paddy, I am not inclined to enlarge the petitioner on anticipatory bail in Dhoraiya P.S. No. 02 of 2016. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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