

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25494 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -PAUTHU District- AURANGABAD

Satyendra Sharma son of Ram Narayan Sharma, resident of Village-Badhaki English, P.S.- Pauthu, Distt- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Pauthu P. S. Case No. 21 of 2016 for offences alleged under Section 7 of the E.C. Act and Sections 409, 420 of the Indian Penal Code.

The prosecution case as lodged by the informant is that 20 bags of rice (about 10 Q) was seized in a magic vehicle at Pauthu Police Station More and there was mark of F.C.I. on each bag. The S.D.O. directed to make enquiry about the same and on enquiry on 18.04.2016, the informant came to know that it was the rice of the PDS dealer i.e. the petitioner. The driver of the vehicle disclosed that the said rice was loaded in the magic



vehicle at the shop of the petitioner and the vehicle was going to Pauthu Bazar at the shop of Umesh Singh. It is further alleged that three cardholders who are alleged to have attached with the shop of the petitioner told that they are getting short supply and paying higher price and also getting short supply of Kerosene oil also.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, having no criminal antecedent as is evident from para-3 of this application, he is a P.D.S. dealer since 1995 and there is no complaint against him all these years. It has further been submitted that an enquiry was conducted by the orders of the District Magistrate, Aurangabad, and the enquiry report has been submitted by the Additional Collector, Aurangabad on 12.05.2016, which is Annexure-2 of this application, in which as many as 40 beneficiaries have been examined and it has been found that they all have stated that they are getting required amount under the P.D.S. Scheme. He further submits that some persons, who are on inimical terms with the petitioner and with whom a civil proceeding is going on, have falsely implicated the petitioner. He further submits that after the F.I.R., this enquiry has been conducted in which it has been found that the petitioner has not committed any

offence.

However, the learned APP for the State also submits that from perusal of the case diary, witnesses have not supported the prosecution case. Most of the beneficiaries, who are witnesses, have stated that they were given the due amount under the P.D.S. Scheme.

Be that as it may, since in the enquiry conducted by the three officials, the petitioner was not found indulged in black marketing, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Pauthu P. S. Case No. 21 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

ajaypd./-

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