

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1137 of 2015

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Md. Mustafa Ansari Son of Md. Hasim Ansari, resident of village- Kewati
P.S.- Kudra, District- Kaimur (Bhabua)

.... Petitioner

Versus

1. The State of Bihar through Director of Bihar State Food and Supply Corporation, Bihar, Patna
2. The District Magistrate, Kaimur at Bhabua
3. The Superintendent of Police, Kaimur at Bhabua
4. The District Manager, Food and Civil Supply Corporation, Kaimur at Bhabua .

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. P. Sinha, GA-2

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGEMENT
Date: 02-03-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the first information report (for short “the FIR”) of Kudra P. S. Case No. 64 of 2015 registered under Sections 409 and 420 of the Indian Penal Code.

In sum and substance, the allegations against the petitioner is that he being a miller received paddy from the Bihar State Food and Civil Supplies Corporation for milling the rice, but failed to return the contracted quantity of rice. He is alleged to have misappropriated paddy though he was under obligation to return the rice to the extent of 67 % of paddy supplied to him. He failed to supply 4821.35 quintal of custom

milled rice amounting to Rs.1,19,50,005.26 paise. It would be relevant to note here that on identical allegation several other FIRs have been registered in different police stations of different districts of the State of Bihar against the rice millers. In all those cases either no custom milled rice was returned by the millers or there was huge shortfall in returning custom milled rice to the corporation. A large number of writ petitions were filed earlier before this Court seeking quashing of the FIRs in those cases. Those cases were heard together and vide reasoned order dated 05.10.2015 passed in the matter of **M/s. Jai Mata Di Rice Mill & Anr. Vs. The State of Bihar & Ors.** and other analogous cases, reported in **(2015) 4 BBCJ 335**, this Court has already dismissed those applications on merit.

Taking into consideration, the allegations made in the FIR as also the law laid down by this Court in the matter of **M/s. Jai Mata Di Rice Mill & Anr. Vs. The State of Bihar & Ors.** (supra), I find no merit in this application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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