

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55118 of 2015**

Arising Out of PS.Case No. -87 Year- 2014 Thana -CHANPATIA District-  
WESTCHAMPARAN(BETTIAH)

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Birendra Prasad Singh son of Late Ram Ekbal Singh, Resident of village-  
Chak Pitambar, P.S.- Vaishali, District- Vaishali, Presently posted as  
Assistant Godown Manager, State Food Corporation, Chanpatiya, District-  
West Champaran.

.... .... Petitioners

Versus

1. The State of Bihar
2. The Bihar State Food Corporation through the District Manager,  
Bettiah, West Champaran

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. M.K.Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

3      25-01-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks pre-arrest bail in connection with  
Chanpatia P. S. Case No. 87 of 2014 registered under Section 7  
of the Essential Commodities Act.

It has been contended that on 01.04.2014, the  
petitioner was acting as Assistant Godown Manager, State Food  
Corporation at Chanpatia and on that date he issued 45 bags rice  
equivalent to 22 quintals and 68 Kgs against valid store issue  
order no. BH 245466 dated 06.01.2014 to Nurul Hoda, a P.D.S.  
Dealer of NAC Chanpatia. His duty was to issue food-grains to

the person holding store issue order. If after receiving the goods the dealer has committed any illegality, the petitioner cannot be held responsible for that. It is further contended that the petitioner is not named in the FIR and subsequently, during investigation, the police are trying to implicate him in the present case.

On the other hand, learned counsel for the State has contended that in para 25 of the case-diary, it has come to light that while releasing the goods to Nuru Hoda, the petitioner did not note the registration number of the vehicle on which the bags were to be carried.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- ( Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in Chanpatia P. S. Case No. 87 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J.)**

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