

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37531 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -AAYAR District- BHOJPUR

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Kumar Anand Singh @ Anand Singh S/o late Dharikshan Singh Resident of
Village Shri P.O. Kasap, P.S Udawant Nagar, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, through its District
Magistrate, Bhojpur at Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate.
For the O.P.No.2 : Mrs.Ashwarya Riti, Advocate.
For the State : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioner, learned
counsel appearing for the O.P.No.2, the Bihar State Food and
Civil Supplies Corporation through District Magistrate, Bhojpur at
Ara, and learned A.P.P. for the State.

Petitioner who is the Managing Director of
M/s.Captain Ramesh Rice Mill, Pvt. Ltd., Baligaon, apprehends
his arrest in connection with Ayar P.S. Case No.35 of 2016
registered for the offences punishable under Sections 406, 409 and
420 of the Indian Penal Code and Section 7 of Essential
Commodities Act.

The prosecution case, in brief, is that the petitioner
on behalf of his rice Mill entered into an agreement with State



Food Corporation for milling of paddy for the procurement year 2012 – 13 and he was supplied 67849.60 quintal of paddy. The petitioner had to supply Custom Milled Rice (C.M.R.) of 45459.23 quintal. But during the aforesaid period for supply of C.M.R., the petitioner only supplied 31050 quintal C.M.R. and despite repeated directions he failed to supply balance quantity of 14409.23 quintal C.M.R. During the relevant period, in course of inspection of Mill and Godown of the petitioner, neither paddy nor rice was found. As such, the petitioner having violated the provision of National Food Security Act embezzled 14409.23 quintal C.M.R. worth Rs.31204056.45. On acceptance of the charge by the petitioner, he made payment of Rs.11600000/- but he has not made payment of balance amount Rs.19604056.45. Thus, there is allegation of embezzlement of the property of the State Food Corporation.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that in pursuance of the agreement that 67849.60 quintal of paddy was given to the petitioner for de-husking and he had to supply 67% of the paddy given to him. He submits that he has already deposited Rs.1,16,00,000/- and the matter relates to kharif year 2012-2013

and a certificate case bearing Case No.1 of 2014-15 is pending against him for recovery of the same amount as alleged in the F.I.R.. He further submits that no case under Section 7 of the Essential Commodities Act is made out against him as he is not a P.D.S.dealer.

However, learned counsel appearing on behalf of O.P. No.2 submits that the petitioner is named in the F.I.R. and has been alleged for embezzling government money as de-husked rice valuing to Rs.1,96,04,056.45 has yet to be returned to the O.P. No.2 Corporation.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and hence, opposes the prayer for bail.

Learned counsel for the petitioner then, during course of argument, undertakes to deposit 15% of the amount alleged to have been defalcated within six months from today which learned counsel for the O.P. vehemently opposes.

Be that as it may, since the matter relates to civil liability and certificate case is pending against the petitioner for recovery of the alleged amount as stated in the F.I.R. and on the undertaking of the petitioner to deposit 15% of the alleged amount of Rs.1,96,04,056.45 within a period of six months from today, 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/- with two sureties of the like amount each to the satisfaction of Sri S.K.Pandey, J.M., 1st Class, Bhojpur at Ara, in Ayar P.S. Case No.35 of 2016 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Nilu Agrawal, J)

AnilKrSinha/-

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