

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43864 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -JALE District- DARBHANGA

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Ram Lakhan Mahto, S/o Lakshmi Mahto, Resident of Village- Radhi, Lakshmi Sita
Rice Mill, P.S. Jale, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the State	:	Mr. P. K. Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in Jale P.S. Case
No. 54 of 2016 dated 29.03.2016 instituted under Sections
406/409/420/466/467/468/471/120B of the Indian Penal Code and 7
of the Essential Commodities Act.

The allegation against the petitioner, who is a PACS
Chairman, is that in the godown of his rice mill, 1244 packet of rice,
24 packets with noting 'Government of Punjab' and other foodgrains
have been recovered, without papers showing valid procurement.

Learned counsel for the petitioner submits that the
papers were shown but due to bias and mala fide of the authorities,



the same were neither taken note of nor were seized. It is submitted that foodgrains are not under the purview of the Essential Commodities Act and, thus, no offence is made out so as to fasten any criminal liability against the petitioner. It is further submitted that the papers available with the petitioner do satisfy with regard to the procurement made of the rice recovered from his godown.

Learned APP submits that at the relevant time, the papers were not produced and, thus, a *bona fide* doubt is raised with regard to the legality of the purchase, moreso, when the petitioner himself is Chairman of the PACS which makes procurement and without there being any accounting, the same is easily amenable to sale in the general/black market. It is submitted that responsibility of the petitioner is all the more greater as he is the local PACS Chairman, being responsible for protecting the interest of the farmers, but in the present case, his conduct is wholly in private interest.

Having considered the rival contentions, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the Court below and seeks regular bail within one month from today, the same shall be considered on its own merits, in accordance

with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	