

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15589 of 2016

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Dhananjay Pandey, son of Sumeshwar Pandey, resident of Village--
Dhaniwar (Biraj Bigha), P.S. Amba, District Aurangabad

.... Petitioner

Versus

1. The State of Bihar, through District Magistrate, Aurangabad
2. The District Magistrate, Aurangabad, Dist. Aurangabad
3. The Secretary, Bihar State Food and Civil Supplies Corporation Limited,
through Managing Director, Patna
4. The District Manager, Bihar State Food & Civil Supplies Corporation
Aurangabad Dist-Aurangabad
5. The Officer-in-Charge of Police Station-Amba, Dist Aurangabad
6. The Certificate Officer, Dist- Aurangabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the State : Mr. S. Raza Ahmad, AAG-5 with
Mr. Vishwambhar Prasad, AC to AAG 5
For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner, learned
Additional Advocate General No.5 for the State and learned
counsel for the Bihar State Food and Civil Supplies Corporation.

The petitioner has been remanded in civil prison by order
dated 25.7.2016 in Certificate Case No. 28 of 2014-15 passed by
the Certificate Officer, Aurangabad.

Learned counsel for the petitioner submits that the
petitioner is willing to pay for the entire amount of paddy, which,
at present, is stated to be Rs.1,25,21,678/- in the writ application,
for which amount the certificate case has been initiated in the year
2014-15. Since the same carries interest at the rate of 12% from
the time of filing, the amount is much more than that. However,
learned counsel states that if the petitioner is granted the benefit of

instalment he will clear the entire dues within a year.

Learned counsel for the Corporation submits that the Corporation has to pay a huge amount of interest and the petitioner is avoiding payment of dues.

It is also stated that a criminal case was instituted on 21.4.2015 under Sections 406, 409 and 420/34 of the Indian Penal Code in which the petitioner applied for anticipatory bail by filing Cr.Misc.No.27084 of 2015 and by order dated 20.7.2015 the petitioner was granted bail on the condition that he shall pay 20% of the amount. Admittedly, the petitioner has not paid even the said amount.

In the aforesaid circumstance, the statement of learned counsel for the petitioner that the petitioner shall pay the entire amount in instalments does not have any credibility in view of the violation of the earlier order of this Court granting him anticipatory bail in the matter.

For the aforesaid reasons, I do not find any occasion to interfere with the order of arrest in the certificate case.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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