

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43896 of 2016

Arising Out of PS.Case No. -149 Year- 2016 Thana -KATORIA District- BANKA

=====

Anandi Barnwal, son of late BASudeo Barnwal, resident of Gram
Panchayat-Bara Suiya, P.S.- Katoriya Suiya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.
Mr. D.N. Tiwari, Advocate.

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 04-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in connection with
Katoriya (Suiya) P.S.Case No. 149 of 2016 registered under
Section 7 of the Essential Commodities Act.

The allegation against the petitioner is of not
accounting for almost 110 quintals of foodgrains given to him
under the Public Distribution System for distribution amongst the
beneficiaries and also of having in his possession 790 litres of
kerosene oil without any record to justify valid possession.

Learned counsel for the petitioner submits that due to
institution of the said case, the P.D.S. licence of the petitioner has
been cancelled and he is an old man and further, since 32 years of
his dealership, there has not been any complaint against him. It is
further submitted that the petitioner deals with many consumers

and it was only because of inadvertence that the records were not properly maintained.

Learned A.P.P. submits that P.D.S dealership is meant specifically for the weaker sections and unaccounted foodgrains to the tune of 110 quintals and 790 litres of kerosene oil, cannot be said to be a minor error or mistake on the part of the petitioner in maintaining the records.

Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, 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, within one month from today, and seeks regular bail, the same shall be considered on its own merit, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

U			
---	--	--	--