

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6013 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -NAWANAGAR District- BUXAR

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Gul Mohammad Ansari, son of late Abdul Rashid Ansari, Resident of Village-Patiya, Police Station-Sasaram, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bihar State Food and Civil Supplies Limited, Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath, Advocate.

For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 16-03-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Nawanagar P.S. Case No. 106 of 2016 instituted for the offence under Sections 406, 409 and 420 of the Indian Penal Code.
- It has been alleged in the written report that the petitioner has purchased altogether 3654 quintals of wheat and at the time of the auction, he has supplied only 3186 quintals of wheat and as such, he has defalcated 468 quintals of wheat amounting to Rs.6,67,387.72. It has further been submitted that the petitioner has sent letters to the District Manager, S.F.C. and District Administration, Buxar, (Annexure-2 series) stating therein that there was no proper facilities in the godown to keep the wheat



and there was chance of wheat getting spoiled, but no action has been taken.

Learned counsel for the BSFC has submitted that in the aforesaid letters there is no mention by the petitioner that 468 quintals of wheat has got spoiled due to improper facilities in the godown. He has submitted that Annexure-2 series are merely letters written to the BSFC stating that there is a chance of wheat getting spoiled.

In such circumstances, this Court finds that there is no valid explanation given by the petitioner about 468 quintals of wheat, which is said to have been misappropriated. It is admitted position that 3654 quintals of wheat was purchased by the petitioner and at the time of auction, only 3186 quintals was supplied. As such, there was shortage of 468 quintals of wheat.

Considering the aforesaid facts and circumstances of the case, this Court does not find it a fit case for grant of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.

The petitioner is directed to surrender before the court below and pray for regular bail which shall be disposed off by the



court below in accordance with law without being prejudiced by this order.

The court below will consider the submission of the petitioner made in this Court at the time of hearing of regular bail petition.

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(Sanjay Priya, J)

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