

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38080 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -MAKHDUMPUR District- JEHANABAD

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Surendra Singh, Son of Late Jagdish Singh, resident of Village- Papun,
P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 16-08-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Makhdumpur P.S. Case No. 172 of 2017 registered for the
offence under Section-7 of Essential Commodities Act.

It has been alleged by the informant that in course of
inspection of PDS shop of the petitioner, several irregularities
were found. The informant recorded statement of some of the
consumers, who complained about inadequate and irregular
distribution of food grain among the consumer. They further
alleged that the petitioner sells the grains at higher rates than the
rates prescribed, and supplies food grain in the less quantity and
does not issue cash memo.

It has been submitted that in the written report there is



no mention about the date on which date, inspection of the PDS shop was done by the informant. It has also been submitted that there is cutting and interpolation in material facts recorded by the informant under his signature in the first information report. The alleged inspection was made in absence of the petitioner and no offence of any provision of E.C. Act is made out. The learned APP opposed the submissions.

From the submissions and perusal of the FIR, I find that there is some addition in the statement of consumers recorded by the informant. Only three persons allegedly supported the allegation of irregular distribution and supply of food grains. In the written report, it is not mentioned as to on which date and by whom the shop of the petitioner was inspected. The allegation of distribution of food grain in less quantity appears to be vague and inspection report does not bear signature of this petitioner or any independent witnesses.

In view of the aforesaid facts and circumstances, the prayer for anticipatory bail is allowed and the petitioner named above in the event of his arrest/surrender in the court below within six weeks from the date of receipt of the order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Makhdumpur P.S. Case No. 172 of 2017 to the satisfaction of



learned Sub Divisional Judicial Magistrate, Jehanabad subject to
conditions as laid down u/S 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

A.K.V./-

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