

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27103 of 2018

Arising Out of PS.Case No. -55 Year- 2018 Thana -KATIHAR District- KATIHAR

=====

Dina Gupta @ Dinanath Gupta S/o Late Sakaldeo Gupta @ Late Ram
Sakaldeo Gupta, R/o Mohalla- Tingachhiya, Naya Tola Ward No.35, P.S.-
Sadar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 03-05-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 379,
406, 409, 120B of the Indian Penal Code and Section 7 of
Essential Commodities Act.

The prosecution case got initiated with the
written report of District Manager, Bihar State Food
Corporation, Katihar dated 19.01.2018 submitted to the Station
House Officer, Katihar Town P.S., is to the effect that all the
four storage of Bihar State Food Corporation were inspected on
05.01.2018 since the books of accounts and the storage were not



properly maintained, hence, it was not done. Thereafter, Assistant Godown Manager, Neel Arun Vishwas was directed to make physical verification of all the godowns vide letter No. 25 dated 06.01.2018 issued by the District Manager, BSFC, Katihar, but thereafter vide letter No. 28 dated 06.01.2018 Hemant Kumar Mandal was made Incharge of Assistant Godown Manager and he was directed to get the physical verification done on 11.01.2018 and on verification shortage of 13532 quintals of rice and 8209 quintals of wheat were found, consequently several persons including the petitioner were accused. Petitioner is a PDS dealer.

It is submitted by learned counsel for the petitioner that the petitioner is a PDS dealer and if there is any shortage in the godown the petitioner is not responsible for the same. The petitioner is running PDS dealership since 1992 without any complain. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the officials of BSFC in order to save their skin, maliciously roped the petitioner in the present case.

It is submitted by learned counsel for the petitioner that the accusation is of shortage of huge quantity of



food grains and petitioner is named in the FIR.

Considering the thrust of accusation against Neel Kumar Vishwas and other officials of BSFC coupled with the fact that petitioner is simply a PDS dealer, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 55 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

