

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6542 of 2018

Arising Out of PS.Case No. -194 Year- 2017 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Niraj Kumar Seth @ Niraj Seth, son of late Madan Mohan, resident of Village- Tamar, Police Station- Tamar, District- Ranchi (Jharkhand), the then Procurement In-charge, P.P.C. I @ II, Chand, Kaimur and at present Circle Officer, Wazirganj, Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shrawan Kumar Singh, Advocate

For the Opposite Party/s: Dr. Rabindra Kumar, APP

For the BSFC : Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

11/ 08-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Chand P.S. Case No.194 of 2017** instituted for the offence under Section(s) 406, 409, 420 Indian Penal Code pending in the Court of the **Additional Chief Judicial Magistrate, Kaimur, Bhabhua.**

In the written report, it is alleged that petitioner was In-charge of Purchase Centre, PPC I & II, Chand, Kaimur, Bhabhua, for the year 2013-14. In the year 2013-14, total 115363.20 quintals of paddy was purchased. Out of total purchased paddy, 31738.75 quintal paddy was sent to Ruchi Soya, Durgawati Godown. Rest 64410.45 quintal paddy was



available at the Purchase Centre. By the order of the District Magistrate, Kaimur, rest paddy available at center i.e. 64410.45 quintal was auctioned @ 830/- per quintal instead of 1715.47 per quintal. In the auction, there was loss of Rs.885.47 quintals amounting to total loss of Rs.1,11,95,386.82. It is further alleged that after auction 12643.44 quintal paddy was handed over to the auction-purchaser and rest paddy was not handed over to auction purchaser i.e.51767.01 quintal amounting to Rs.8,88,04,752.64. It is alleged that total amount of loss is Rs.10,00,00,139.46, which has been misappropriated by the petitioner.

In the instant case, by order dated 01.05.2018, BSFC was directed to do physical verification of the Godown so that exact shortage could be ascertained. It was also directed that authority concerned, who will make physical verification of the Godown, will ensure that petitioner remain present at the time of physical verification of the Godown.

A Supplementary Counter Affidavit has been filed today in the Court stating therein that the District Manager, Kaimur, vide his letter no.1073 dated 04.08.2018 submitted up to date report to the Dy. Managing Director, Purchase and Legal, BSFC Headquarter, Patna, that in spite of repeated telephonic information and letter the petitioner did not appear for physical



verification nor made any response to the letter. The petitioner is showing no interest in verification of the Godown in compliance of order of Hon'ble Court and till date out of 51767.01 quintal of paddy, petitioner has handed over only 5253.49 quintal paddy and rest 46513.52 quintal paddy is still in charge of the petitioner. It has also been mentioned in the supplementary counter affidavit that remaining paddy 46513.52 quintal has been misappropriated by the petitioner. It is further mentioned in para 5 of the supplementary counter affidavit that keys of the Godown containing the paddy are still lying with the petitioner although petitioner was relieved on 11.05.2015 to join at Gaya. He has not handed over his charge till date even after lapse of more than three years. As such, there is serious allegation against the petitioner as mentioned above.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

(Sanjay Priya, J)

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