

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57864 of 2018

Arising Out of PS.Case No. -285 Year- 2017 Thana -CHHATAPUR District- SUPAUL

=====

1. Chandradeo Paswan Son of Late Madan Paswan resident of village -
Karhwana, P.S. - Chhatapur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr.Mrityunjaya Kr.Gautam

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-10-2018 Heard learned counsel for the petitioner, the BSFC
and the learned A.P.P. for the State.

The petitioner seeks bail in Chhatapur P.S. Case No.
285/2017, instituted for the offences under Sections 406 and 409
of the Indian Penal Code.

As per written report, the petitioner as a Chairman of
Lakshmipur Khuti PACS had purchased 2215 quintals of paddy
from farmers for the Kharif Procurement Year 2016-2017. C.M.R.
of aforesaid purchased paddy of 2215 quintals comes to 1484.40
quintals. Price of procured paddy has already been paid to the
farmers from State Co-operative Bank, Bihat. It is further alleged
that out of 1484.40 quintals C.M.R., 947.72 quintals C.M.R. has
been supplied by the said PACS to the S.F.C. according to



Government Guidelines and rest 373.91 quintals C.M.R. has not been supplied by the said PACS till 31.07.2017, which is parallel to Rs. 888410.16/-. It is further alleged that according to guidelines said PACS had to obtain the C.M.R. from Khusi Rice Mill, Purnea and the same had to supply to State Food Corporation. It is alleged that the PACS in question sold the paddy parallel to non supplied C.M.R. in market and defalcated the PACS amount.

Learned counsel for the petitioner has submitted that petitioner has entered into agreement with Khusi Rice Mill (Annexure-2) on instruction of the government officials and has supplied the paddy to Khusi Rice Mill as per agreement. Petitioner has supplied paddy on different dates to Khusi Rice Mill and got receipt from the said rice mill. He has supplied total 2215 quintals of paddy till 07.08.2017 for which proprietor of Khusi Rice Mill has given receipt, which is at Annexure-3series. Aforesaid Khusi Rice Mill has also given 947.72 quintals of C.M.R. to the concerned PACS but rest CMR has not been deposited. In such circumstances, petitioner sent application to the D.C.O., Supaul on 25.04.2017 stating therein that despite giving STR of 895.33 quintals of paddy to Khusi Rice Mill, he has not supplied C.M.R. to the concerned PACS after lapse of two months. Aforesaid letter



dated 25.04.2017 is annexed as Annexure-4 to the bail petition.

After looking into the receipts filed by petitioner, which is annexed as Annexure- 3 series, with regard to supply of 2215 quintals of paddy to Khusi Rice Mill and period of custody of the petitioner since14.05.2018, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IVth, Supaul in connection with Chhatapur P.S. Case No. 285/2017, subject to the conditions that both the bailors shall be the close relative of the petitioner.

BSFC is given liberty to file necessary petition for cancellation of bail of the petitioner in the event the receipts, which has been filed by petitioner disclosing delivery of 2215 quintals of paddy to Khusi Rice Mill, annexed as Annexure-3series, are found not genuine.

(Sanjay Priya, J.)

Rakhi

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

