

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61543 of 2019

Arising Out of PS. Case No.-292 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

MD. ANWAR ALAM @ ANWAR ALAM Son of Md. Mansoor Alam (PACS
Chairman Ganeshpur) Resident of Moghal Toli, P.S.- K. Nagar, Distt - Purnia.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Bihar State Food Corporation through its Managing Director, Bihar,
Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Jha
For the BSFC	:	Mr. Shailendra Kumar
For the Opposite Party/s	:	Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with K.Nagar P.S.Case No.292 of 2019, registered for offences punishable under Sections 409, 420 of the Indian Penal Code.

Petitioner happens to be the Chairman of the PACS and he has collected 2418 quintal of paddy and CMR comes to 1612 quintal of rice but the petitioner has supplied only 1080 quintal CMR of rice for 1612 quintal of paddy as such 806 quintal of rice was found less and he has sold 806 quintal of paddy in the market, causing loss of revenue of Rs.14,10,500/- to the State exchequer.

Submission of the learned counsel for the petitioner is



that earlier the D.C.L.R had made physical verification of the same and no irregularity was found and now present case has been filed.

On the other hand the learned counsel for the BS.F.C. has opposed the prayer for bail on the ground that the inspection of the godown was made by the DCLR and not of present allegation, as such the petitioner does not deserve anticipatory bail. However, after some argument, the learned counsel for the petitioner has submitted that he is ready to pay the amount if some reasonable time is given to the petitioner.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender by 25.10.2019 with a bank draft of Rs.2,10,500/- payable in the Central Co-operative Bank, Purnea and on deposit of the bank draft the petitioner shall be released on provisional bail in connection with K. Nagar P.S.Case No.292 of 2019 for a period of six months and during that period, he has to deposit rest of the amount in equal installment of Rs.02 lac each month by the bank draft and once the total amount is deposited, the bail bond of the petitioner shall be confirmed.



It is also made clear that failure to pay any two instalment continuously , the bail bond of the petitioner shall be liable to be cancelled.

With the above observation, this application is disposed of.

It is also made clear that as above order has been passed on request of the petitioner, no any indulgence will be given in future for any modification of order except any typographical error.

(Vinod Kumar Sinha, J)

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