

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76868 of 2018

Arising Out of PS. Case No.-107 Year-2018 Thana- JANTA BAZAR District- Saran

Rameshwar Ram, S/o Chhathu Ram, R/o Village- Dayalpur, P.S.- Janta Bazar,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Sri Binod Kumar 2

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 11-01-2019 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Janta Bazar P.S. Case No.107 of 2018, disclosing offences under Sections 406,409,420,460,466,379 of the Indian Penal Code.

The petitioner is a PDS dealer. It is alleged that he did not record the details of sale of kerosene oil in his distribution register. It is also alleged that the petitioner did not distribute the items to the beneficiaries for the month of September.

Learned counsel appearing on behalf of the petitioner has submitted that the Essential Commodities Act which is a special Act, governs the field and no offence under Sections 406,466 and 379 of the Indian Penal Code can be said to be made out. I find substance in the submission made on behalf of



the petitioner. What is alleged in the First Information Report discloses, at the maximum, irregularities in maintaining the distribution register and other registers. No allegation of misappropriation of government money made out on the basis of the allegations made in the First Information Report.

Considering the above, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Saran at Chapra in Janta Bazar P.S. Case No.107 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J)

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