

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19595 of 2020

Arising Out of PS. Case No.-62 Year-2017 Thana- BELHAR District- Banka

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ASHOK KUMAR S/o- Mishri Lal Das Resident of Village- Imadpur, P.S.-
Imadpur, District- Nalanda- 801303 currently posted as Extension Officer
(Industrial and Commerce) cum Purchase Centre Incharge, Belhar, Banka,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amritesh Priyadarshi

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 06-11-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Belhar P.S. Case No. 62 of 2017, G.R. No. 947 of 2017, disclosing the offence punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The present criminal case is a part of paddy scam which has taken entire State in its sweep. According to the case of the prosecution, the petitioner was posted as Extension Officer (Industrial and Commerce) cum Purchase Centre Incharge and co-accused Sandeep Kumar Singh was posted as Krishi Samanwayak (Agriculture Coordinator) at Belhar in the district of Banka. In that capacity they had purchased total of



86411.88 quintals of paddy, out of which 83791.93 quintals were sent for milling. Rest amount of paddy i.e. 2619.90 quintals was supposed to be physically available in the godown. When the godown was physically inspected, only 1168.00 quintals of paddy was found and when the said paddy was auction sold only 960 quintals of paddy was available for auction sale. It is alleged in the said background that the rest amount of paddy i.e. 1659.90 quintals was misappropriated by the petitioner.

It is the petitioner's case that he was given target for purchase of 86411.88 quintals of paddy against the godown capacity of only 4500 quintals. The quantity of paddy, which could not be stored in the godown, was kept outside the godown. It has been stated in the petition that the petitioner had sent several letters to the District Magistrate stating the actual position to the effect that it was difficult to safely store the purchased paddy.

Learned counsel for the petitioner has argued that despite several communications, no guidelines were issued by the District Magistrate and because the paddy purchased by the petitioner was not stored in a safe place, the same got destroyed.

I have perused paragraph-9 of the application,



wherein it has been stated that the surplus paddy was kept outside in the open sky and due to rain and rodents the paddy got destroyed. Further, since even certain portion of the roof of the godown was also destroyed in the rain, thus, the paddy kept inside the godown also got damaged.

Vagueness of the plea, which has been taken in paragraph-9 of this application, is suggestive of the petitioner's conduct, though *prima facie*.

Considering the nature of accusation and the defence which the petitioner has taken in the present application for his release on bail, in my opinion, it is not a fit case for grant of regular bail.

This application is accordingly rejected.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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