

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21582 of 2020

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1. RAKHI KUMARI, (female) aged about 24 years, D/o Praveen Pathak, R/o
village- Bishanpur, P.S.- Dhamdaha, Dist.- Purnea

... .. Petitioner

Versus

1. The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-08-2020 Heard Mr. Bijendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Tarkeshwar Nath

Thakur, learned Additional Public Prosecutor, for the State of

Bihar.

This application for grant of anticipatory bail arises
out of Dhamdaha P.S. Case No. 33 of 2020, registered for the
offences punishable under Section 7 of the E.C. Act.

The petitioner holds a license to run a PDS shop.
From the F.I.R., it appears that co-accused Janardhan Bhagat
was apprehended by the police, while carrying four bags of rice.
Upon an enquiry made by a police official, he disclosed that he
had purchased the rice from the petitioner, a PDS dealer, at the
rate of Rs.1200/- per quintal. It is accordingly alleged that she



was selling rice in black market, which was to be sold through PDS shop, at subsidized rate.

Learned counsel appearing on behalf of the petitioner has submitted that there has been no deficiency in the stock of the petitioner's shop and no such deficiency was noticed in course of stock verification. The details of grains allotted for the month of January, 2020 and February, 2020 have been mentioned in the application and with reference to the food grains distributed and balance stock available, learned counsel for the petitioner has submitted, implication of the petitioner is for extraneous reason. He has further submitted that there is no chance of the petitioner, fleeing from the course of investigation and trial, if allowed anticipatory bail.

Considering aforesaid facts and circumstances and the nature of allegation, this application is allowed.

Let the petitioner above named, in the event of her arrest/surrender within six weeks from today in the Court below, 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 S.D.J.M., Purnea in connection with Dhamdaha P.S. Case No. 33 of 2020, 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 herself before the Police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bonds shall be liable to be cancelled.

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

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.



(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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