

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24116 of 2020

Arising Out of PS. Case No.-78 Year-2020 Thana- BAUNSI District- Banka

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Sanoj Chaudhary @ Sanoj Kumar Chaudhary @ Sanoj Kumar, aged about 46 years, Son of Naresh Chaudhary, Gender – Male, Resident of Village - Shyam Bazaar, Thana - Bounsi, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate

For the State : Mr.Ram Priya Sharan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Bounsi P.S. Case No. 78 of 2020 (G.R. No.103 of 2020) registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

As per prosecution case, on the secret information and direction of S.D.O., the informant Umakant Sharma who is in-charge of Block Supply Officer, Bousi along with S.H.O. Bousi and Police Inspector, Bousi went for raid in the godown of Bhagwati Rice Mill is personal godown of accused Sanoj Chaudhary did not appear but his brother Manoj Chaudhary came forward and open the door of the mill but he has no open



his personal godown and he has also given the mobile no. of Sanoj Chaudhary. Thereafter, he was contacted but he shows his inability to reach on his godown and neither he ordered to open the godown. On seeing (peeping) through ventilator so many packets of rice of State Food Corporation appeared. Thereafter, the Senior Officers were informed on telephone and in presence of Police Inspector, Bousi, C.O., Bousi, permission was taken and after getting permission from senior officers the lock of godown were broken and after entering into the godown 386 packets of Arwa Rice on the seal of the State Food Corporation were found on which the tag LALAWARAN BARAHAT, BANKA, COMMRC, KMS-2019-20, N.WGT-50 KG was pasted and two bundles of packets of Bihar State Food Corporation was found with tied. It is further case of the prosecution that during conversation with the Sanoj Chaudhary on telephone, he spoke that his mill is not registered this year with Bihar State Food Corporation.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The allegation alleged by the informant in his First Information Report is absolutely wrong, false and concocted. He further submits that the petitioner is running a rice mill since 2013 and



he is the Proprietor of Maa Bhagwati Rice Mill, having its principal place of business at Shayam Bazar, Sikandarpur, Bousi, Banka, Bihar. The rice mill of the petitioner is a registered firm and he has been paying GST Tax, etc. which is evident from the registration certificate and Form No.GsTR-3B, for the month of March 2018-19, June 2018-19 and May 2019-20, which has been annexed as Annexure-P/2 series in the present bail application. He further submits that whatever paddy was received by the petitioner, the petitioner has already delivered rice as per terms and conditions of the agreement. He further submits that the Bihar State Food and Civil Supply Corporation has also never made any complaint against the petitioner for any types of deficiency in milling CMR Rice. He further submits that the bags etc. of BSFC, Corporation are easily available in general market and as such there is no restriction to reuse of the aforesaid bags with mark or seal of BSFC/FCI/Corporation. He further submits that no overt act is attributed against the petitioner. He further submits that Section 7 of the E.C. Act is not applicable against the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the



above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 103 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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