

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36564 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Sanjay Kumar @ Sanjay Kumar Singh (M), aged about 51 years, Son of
Ballam Singh, Resident of Village - Rajajan, P.S.- Mohiuddin Nagar, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate
For the State : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Udit Narayan Singh, learned counsel for
the petitioner and Mr. Ram Sumiran Rai, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with
Mohiuddin Nagar PS Case No. 64 of 2020 dated 22.04.2020,
instituted under Section 7 of the Essential Commodities Act,
1955.

4. The allegation against the petitioner, who is a PDS
Dealer is that on 21.04.2020 when his shop was inspected by the
Block Supply Officer, Mohiuddin Nagar, one beneficiary,



namely Ganesh Das was found to have got about 23 Kgs. less rice and 6.3 Kgs. of wheat less than what he was entitled to and that even the money taken was more than what food-grain he received.

5. Learned counsel for the petitioner submitted that though it is said that the shop was inspected on 21.04.2020 when the petitioner was present, but his signature is not in any of the reports and most importantly out of the beneficiaries only one beneficiary's statement has been taken without there being any further investigation or taking statement of other beneficiaries who were there. It was submitted that even the petitioner or his representative were not called to be present when the so called inspection was made of the food-grain which was received by Ganesh Das so as to authenticate the allegation. Learned counsel submitted that later on the said Ganesh Das has also filed an affidavit before the Sub-Divisional Officer, Patori stating that he did not get any less amount of ration and that he has no complain against the petitioner. It was submitted that in his entire period as a PDS Dealer there has been no complaint by anyone. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that Ganesh Das was found



to have got less grain. However, it was not controverted that in the complaint it is not stated that the petitioner or his representative was also present at the time when the verification was made and also that there is no allegation of any other person having made any complain.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur in Mohiuddin Nagar PS Case No. 64 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses, and (iv) that the petitioner shall cooperate with the Court and police/prosecution. Any violation



of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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