

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35645 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- PUSA District- Samastipur

Binod Kumar Ray S/o Shambhu Ray Resident Of Village - Harpur
Mahmadda, P.S. Pusa, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate
	:	Mr. Dhananjaya Nath Tiwari, Advocate
		Ms. Prity Kunwar, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-10-2021 Heard Shri N.K. Agarwal, learned senior counsel assisted by Shri Dhananjay Nath Tiwari and Ms. Prity Kunwar, learned counsel for the petitioner and Shri Shailendra Kumar Singh, learned A.P.P. for the State.

The petitioner is seeking anticipatory bail in connection with Pusa P.S. Case No. 25 of 2020 instituted for the offences under Section 7 of the E.C. Act.

The learned senior counsel for the petitioner, at the outset, submits that the petitioner is a person with clean antecedent and is running the (Public Distribution System) P.D.S. shop for the last 28 years. Learned senior counsel further submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the P.D.S. shop of the petitioner



was inspected on 14.04.2020 and it was found that the petitioner had lifted 46.12 quintals of wheat and 69.18 quintals of rice as well as 108.65 quintals of rice under PMGKY against the allotment of April 2020. Further that on the date of inspection, 17.926 quintals of wheat and 69.41 quintals of rice was alleged to be recovered, further that as per stock e-PoS machine the stock should have been 28.20 quintals of wheat and 108.65 quintals of rice. Accordingly it was suspected that 28.20 quintals of wheat and 40.12 quintals of rice was misappropriated.

The learned senior counsel for the petitioner submits that the allegation as alleged in the F.I.R. are in realm of allegation for the present. The petitioner has been a dealer for the last 28 years with impeccable record and no complaint has ever been received against him. He further submits that after institution of the present F.I.R., the P.D.S. license of the petitioner bearing no. 296 of 2007 has been suspended by the S.D.O. Samastipur vide order dated Memo No. 299 dated 27.04.2020.

Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case in it's totality, the petitioner above-named, in the event of his arrest



or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate in connection with Pusa P.S. Case No. 25 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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