

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38517 of 2020

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PriyankaKumari, aged about 25 years, Gender-Female, wife of
Rahul Raj @ Bablu, P.D.S. License No. 01/18, Panchayat-
Manas, resident of village-NayaPanapur,Manas, P.S. Akilpur,
District-Saran

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. N.K. Agarwal, Sr. Advocate

Mr. Sanjeet Kumar, Advocate

For the State :- Mrs. Anita Kumari Singh, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2. **31.05.2021** The present petition has been taken up for
consideration through the mode of Video conferencing in view
of the prevailing situation on account of COVID 19 Pandemic,
requiring social distancing.

Heard the learned counsel for the petitioner and
Ms. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends her arrest in connection with Akilpur P.S. Case No. 29 of 2020 for the offence registered under Section 7 of the Essential Commodities Act.

The case of the prosecution in brief, according to the written complaint of the Block Supply Officer, Danapur is that the Public Distribution shop of the petitioner bearing License No. 1 of 2018 was inspected on the alleged date and time of occurrence and gross irregularities were detected inasmuch as there was huge discrepancy in the stock position of grains and rice as compared to the physical position and it was found that 52 kgs. of wheat were in excess while 6.12 quintals of rice were deficient.

The learned senior counsel for the petitioner Shri. N. K. Agarwal assisted by Shri. Sanjeet Kumar and Ms. Priti Kunwar, Advocates has submitted that the petitioner is innocent and she has been falsely implicated in the present case. It is further submitted by referring to paragraph no. 7 of the present petition that the license of the petitioner has

already been suspended and the petitioner has been penalized for the aforesaid alleged irregularities, stated to have been found by the Block Supply Officer, Danapur. It is also submitted that the petitioner has got two small children and is having deep roots in the society, hence liberal view be taken for the purposes of grant of anticipatory bail to the petitioner herein.

Per contra, the learned A.P.P. for the State Ms. Anita Kumari Singh has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the license of the petitioner has already stood suspended and she is facing proceedings under the Bihar Targeted PDS Control Order, 2016, no useful purpose would be served by sending the petitioner to the jail custody, especially on account of the fact that no prejudice, even otherwise, would be caused to the prosecution, in case anticipatory bail is granted to the petitioner, hence I

deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of her arrest/surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Akilpur P.S. Case No. 29 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-