

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14172 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- MANER District- Patna

=====

BRIJ NANDAN KUMAR @ BRIJ NANDANA KUMAR Son of Sh Harihar Rai @ Harihar Ray Resident of Village - Sadiqpur, P.S.- Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : N.K.Agrawal, Sr. Advocate
Ms.Preety Kunwar

For the Opposite Party/s : Mr. Nand Kishore Prasad

=====

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 29-03-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest for the offences alleged under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act, registered in connection with Maner P.S.Case No.09 of 2020.

The petitioner is a PDS dealer. When a raid was conducted on 3rd January, 2022, the shop was found closed. The shop was sealed and the witnesses (consumers) apprised the



raiding party in writing that the distributor has not distributed the ration for the month of December. They also stated that the distributor provides ration one unit less. Their thumb impressions have already been obtained for receiving the ration for the month of December, but it has not been distributed. On 05.01.2020, when the petitioner did not appear, the lock was opened in presence of the independent witnesses and 23.66 quintals of wheat and 19.49 quintals of rice were found in excess.

The learned counsel for the petitioner has submitted that the licence of PDF shop of the petitioner has been cancelled and in these circumstances, some coordinate Benches of this Court have granted anticipatory bail to some of the accused persons.

On the other hand, the learned APP has submitted that paragraph nos. 24 of the case diary contains the re-statement of the informant wherein he has stated that not only the food-grains were found in excess, but also the witnesses, who were consumers, have stated that the petitioner had not distributed the ration for the month of December, 2019 even after taking their thumb impressions on POS.

In my view, it is not a fit case for anticipatory bail.



The prayer for anticipatory bail on behalf of the petitioner is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

