

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16135 of 2021**

Arising Out of PS. Case No.-94 Year-2020 Thana- ATRI District- Gaya

Ajay Lal, aged about 34 years, male, Son of Suresh Singh Resident of Village
- Dariyapur, P.S.- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Pramod Kr. Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 04-03-2022 Heard Mr. Vinod Kumar, learned Advocate for the
petitioner and Mr. Mr. Pramod Kr. Pandey, learned A.P.P.

The petitioner seeks bail in anticipation of his arrest in
connection with Atri P.S. Case No. 94 of 2020 dated 31.03.2020
instituted for the offences under Sections 419, 420 of the Indian
Penal Code and Section 7 of the E.C. Act.

On physical verification of the public distribution
shop of one kuldeep Manjhi, subsidized food-grains were found
in less quantity than what was being displayed in the e-POS
machine.

The petitioner is sought to be prosecuted in this case
on the premise of his being the nominee of the licensee namely
Kuldeep Manjhi.

Learned counsel for the petitioner has submitted that



even if the accusation made against him is found to be true, the offence under the E.C. Act cannot be said to have been made out against him as he is not the licensee as on date of the inception of the P.D.S. shop. Apart from this, it has been submitted that there could be myriad reasons for such mismatch between the existing stock in the godown of a Public Distribution Shop and its display on the e-POS Machine.

For the aforesaid mismatch, there is a provision for issuance of notice and suspension of license of the petitioner, which could even if cancelled under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

The learned counsel for the petitioner has submitted that the offence under the E.C. Act cannot at all be said to have been made out against the petitioner.

For the reasons sated aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII, Gaya in connection with Atri P.S. Case No. 94 of 2020,



subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Ashutosh Kumar, J)

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