

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30348 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- JIRADEI District- Siwan

DADAN OJHA SON OF LATE RAMPYARE OJHA R/O VILLAGE-
BADHEYA, P.S.- JIRADEI, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Preety Kunwar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The prosecution case is that due to non distribution of food grains, the present case was filed against the petitioner. The petitioner's PDS shop was inspected on 28.12.2020 and 56.50 quintal wheat and 38.50 quintal rice was found. As per E-



POSS machine, wheat 54.07 quintal, Rice 65.91 quintal and Gram (Chana) 06.08 quintal should have been in stock. Thus, wheat was found in excess by 2.43 quintal, rice was short by 27.41 quintal and gram was not found.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He further submits that petitioner is an old PDS dealer since 35 years and without any complaint from any corner of the society or criminal case, he is running his PDS shop and he has been falsely implicated and the allegation is baseless, because almost all the consumers have signed on a petition filed before the SDO that they are getting commodity as per entitlement and due to village politics, the petitioner has falsely been made accused. He further submits that the petitioner had earlier filed an application before the authorities that E-POSS machine is not properly working. He further submits that after lodging of this case, the petitioner's licence was cancelled on 09.07.2021.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Siwan in connection with Jiradei P.S. Case No. 122 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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