

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28534 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

1. SHAMBHU SARAN PRASAD S/o Late Kailash Pati Sah Resident of Village- Reothith Bazar, P.S.- Baikuntpur, District- Gopalganj.
2. Sohile Devi W/o Late Madan Bihari Prasad Resident of Village- Reothith Bazar, P.S.- Baikuntpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Dhramaveer, Adv Mr. Kumar Rajdeep, Adv
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2022 Heard learned senior counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

Learned senior counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 2 is a woman and the informant alleges that in the inspection of concerned shop of petitioners, 52.80 quintal of wheat and 85.13 quintal of rice and 41.31 quintal of wheat and 88.01 quintal of rice was found short, accordingly their license has been cancelled and the petitioners have been asked to deposit



the deficit amount in the government treasury but till date the said direction has not been complied with.

Learned senior counsel for the petitioners submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the thrust of the allegation hinges around the fact that the informant alleges that the petitioners despite direction have not deposited the deficit amount in the government treasury, it is next submitted that the law is clear that as to how the such amount can be recovered for which filing of an FIR was not required, it is also submitted that already the PDS license of the petitioners have been cancelled and thus they have suffered, it is next submitted that the show cause issued to the petitioners by the S.D.O., to which reply was furnished, was also not considered in its correct perspective before instituting the present FIR.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 60 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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