

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37790 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- RAMGARH District- Kaimur (Bhabua)

ASHOK KUMAR SINGH S/O LATE RAJ KISHOR SINGH R/O VILLAGE-
SAHUKA, POLICE STATION RAMGARH, DISTRICT KAIMUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 15-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

The informant alleges that a surprise inspection was made in the PDS shop of the petitioner and after investigation it was found that ration has not been distributed to the PDS beneficiary, namely, Ganga Pal, Dhanjeera Devi and Anil Kumar Pal. However, ration has been distributed to other beneficiary as detailed in the FIR. It is next alleged that petitioner was also found conducting private business of flour



mill in his sanctioned PDS shop which violates the PDS (Control) Order 2016.

Learned counsel for the petitioner further submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegation is general and omnibus in nature. The FIR has not been instituted by any beneficiary nor the FIR even remotely suggest that there was a complaint by the beneficiary against the petitioner to the competent authority. It is next submitted that even presuming what has been alleged in the FIR is true without admitting the same for the purposes of bail then the allegation is of committing irregularity and not an illegality. Further, if there is breach of the condition of the licence the remedy lies elsewhere and not a criminal case.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Ramgarh P.S.
Case No. 41 of 2021, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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