

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60939 of 2022

Arising Out of PS. Case No.-287 Year-2022 Thana- BARHARA KOTHI District- Purnia

AKHILESH THAKUR @ AKHILESH KUMAR THAKUR Son of Late
Nageshwar Kumar Thakur R/V- Thadhi, P.S- Barhara Kothi dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Prabhakar, Adv. Mr. Abhijeet Abhiguan, Adv.
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offence under Section 7 of the Essential Commodities Act, 1955.

The case relates to irregularities committed by the petitioner, who happens to be the PDS dealer.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that entire allegation as alleged in the F.I.R. is false and fabricated. He further submits that the due to COVID-19 pandemic, biometric authentication system for food grain distribution had been suspended, therefore, the entire process of distribution of



foodgrains were carried out in manual process. But after attaining the normalcy, the updation process was carried out over the POS machine in which certain discrepancies were found by the POS machine, for which the present F.I.R. has been instituted. He further submits that as per the distribution register the petitioner has handed over the entire stock of food grains to Mahendra Jaiswal and there was no irregularity and misappropriation. He further submits that the petitioner was running the PDS shop since long and there has not been any complaint regarding any misappropriation lodged by the beneficiary prior to registration of the present F.I.R. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barhara P.S. Case No. 287 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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