

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2539 of 2022

Arising Out of PS. Case No.-86 Year-2015 Thana- SHEOHAR District- Sheohar

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Azimullah Ansari Son Of Md. Hadish Ansari Resident Of Village- Bankikhan,
P.S.- Uchagaon, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, Bihar, Patna. Bihar, Patna.
3. The Department of Vigilance, Bihar, Patna. Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 01-12-2022 Heard learned counsel for the petitioner,

learned counsel for the Economic Offences Unit and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 470, 120(B) of the Indian Penal Code and Section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988.

The prosecution case in nutshell is that there was



an agreement between R.K. & Sons Rice Mill and the Bihar State Food and Civil Supplies Corporation, Bihar, for procurement of Kharif in the year 2012-13 and 67% of rice was to be supplied. It is further alleged that Raj Kumar Singh, being the proprietor of the R.K & Sons Rice Mill did not comply the terms of the agreement. He received 101137.80 quintal of paddy and he has to supply 67,762.30 quintal of rice. But being a proprietor of the alleged Mill, till 31.12.2013, he has supplied only 26,460 quintal of rice to the B.S.F.C and he has not deposit 41302.30 quintal of rice and has misappropriated the Government rice which was worth of Rs. 8,94,42,608.78/- The allegation against petitioner is that he was also involved in the misappropriation of paddy.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the F.I.R and his name sprang



up during investigation of this case and it transpired that he had also misappropriated the paddy. It is also submitted that petitioner is a Government officer and in the alleged year (year 2012-13) he was made In-charge as District Manager Procurement State Food Corporation, Sheohar for purchase of paddy. On perusal of Annexure 1 of this application it is obvious that the informant has grievance only against the Raj Kumar Singh who is the miller and not against the petitioner. It is further submitted that during the investigation the petitioner has come to know that the informant and I.O has mislead the investigation and implicated him without any substance. It is further submitted that similarly situated several co-accused persons have been granted bail by different co-ordinate Benches of this Court. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned counsel for the Economic Offences Unit has vehemently opposed the prayer of anticipatory bail



of the petitioner. It is submitted that the petitioner has failed to take any security from the Miller of R.K & Sons Rice Mill through its proprietor and he was issued Store Issuance Order in between 5th of February, 2013 and 13th of May, 2013 for 1,01,137 quintals of paddy which was beyond its storage capacity. It is further submitted that even in the agreement that was executed with the Miller, under clause 5 thereof, there was provision that after receipt of paddy the miller would deliver proportionate percentage of rice within a month from the date of receipt of paddy. Further, according to monthly milling capacity of the Miller paddy was to be issued and in case of delay in delivery of proportionate percentage of rice, an appropriate penalty in terms of money which was to be charged by the competent authority with interest at the Bank Lending Rate. However, the petitioner failed to ensure compliance of the same. It is further submitted that one Bhim Kumar under the Store Issuance Order got 40,659.40/- quintals of paddy



whereas no such authorization was allegedly issued by the Miller in the name of said Bhim Kumar. Without there being any requisition and authorization, no paddy was supposed to be given to him and legal action ought to have been initiated against said Bhim Kumar as also against the employees who were involved in the same, however, the petitioner failed to do so. On oral instruction of this petitioner to give paddy to Bhim Kumar, paddy has been received by him at least at 3 purchase Centres in Seohar District, which clearly shows the mala fide intention of the petitioner and his indulgence in the alleged misappropriation. In purchase centers, for the transportation of paddy, fake transportation challans have been used and it has been shown for transportation whereas it has been found that they are either motor cycles, Bolero, trailer or non-existing vehicles. The petitioner being the District Manager failed to carry out proper supervision from the agents and others concerned. It is submitted that taking



all the aforesaid matters and allegations in consideration,
the present application is vehemently opposed and
contested.

In the facts and circumstance of the case stated
and discussed above, this Court is not inclined to grant
anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner
stands rejected.

(Sunil Kumar Panwar, J)

nirajkrs/-

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