

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25833 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- RANIGANJ District- Araria

UDYANAND PASWAN S/O LATE SUKDEV PASWAN RESIDENT OF
VILLAGE-PARMANANDPUR, P.S.-RANIGANJ, DISTRICT-ARARIA.

... .. PETITIONER/S
VERSUS
THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 7 of the E.C,Act,1955 .

3. It is alleged that P.D.S. dealer namely Bibha Devi
fell ill due to which her P.D.S. shop was tagged with the
petitioner's P.D.S. by the order of S.D.O. Araria vide memo no.
56 dated 16.1.221 and E.P.O.S. Machine of the same P.D.S.
shop was also handed over to the petitioner but after return of
dealer Bibha Devi from leave, the petitioner has not made



available the food grains i.e. 44-54 quintal wheat and 49.74 quintal rice to Bibha Devi and the petitioner gave assurance to hand over the said food grains to Bibha Devi by dated 15.11.2021. It is further alleged that on 10.06.2022 physical verification of P.D.S. shop of petitioner was made but as per E.POS machine availability of 191.16 quintal rice and 54.68 quintal wheat should be available in the alleged stock but only 5 quintal rice was found in stock and wheat was nil and as such 176.16 quintal rice and 54.68 quintal wheat was not found in stock. Thereafter the authority concern has made verification on several dates of the P.D.S. shop of petitioner and found that the petitioner has not handed over 93.75 quintal food grains to Bibha Devi after her return from leave and only POS machine has been handed over to her.

4. It is submitted that petitioner has falsely been implicated in this false and concocted case only to harass him. Petitioner has handed over 46 quintal rice and 4 quintal wheat to the nominee of P.D.S. dealer namely Bibha Devi on 11.11.2022. As a matter of fact the quantity of rice and wheat has wrongly been entered in E.POS machine by P.D.S. dealer Bibha Devi. Petitioner has not committed any such offence as alleged in the prosecution case.



5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Araria, Araria in connection with Raniganj P.S. case no 407 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Kaushik/-

U		T	
---	--	---	--

