

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25670 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- RAJNAGAR District- Madhubani

MD. WASIM son of Late Md. Moquim Village- Balha Ps- Rajnagar Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh Mr. Ritvik thakur
For the Opposite Party/s :		Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 13-12-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Rajnagar Police Station Case No. 291 of 2022,
dated 08.10.2022, disclosing offences under Sections 420/409 of
the Indian Penal Code.
3. The prosecution case, as per the First Information
Report, is that the petitioner, being the Chairman of Karahiya
PACS (Primary Agricultural Credit Societies), was supplied
paddy by the farmers on MSP (Minimum Support Price) to the
extent of 2147 quintals, equivalent to 214.7 metric ton, against
which the petitioner supplied CMR (Custom Milled Rice)
equivalent to 1459.96 quintals i.e. 145.996 metric ton to the



Bihar State Food Corporation. It has further been alleged that the petitioner misappropriated paddy/CMR to the extent of 299.96 quintals i.e. 29.996 metric ton.

4. Mr. Ajay Kumar Thakur, learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged inasmuch as the paddy, purchased by the PACS, was given to the rice mill, namely, Hibja Food Private Limited, Sakari, for the purpose of converting it to CMR (Custom Milled Rice). The miller was selected by the District Co-operative Officer. Out of total paddy supplied by the petitioner-PACS, the concerned miller supplied 1160 quintals of CMR and for the rest quantity of CMR, the miller informed that due to rain the paddy got destroyed, therefore, the miller demanded money from the petitioner for purchase of paddy from the market. The petitioner supplied the paddy equivalent to Rs. 7,70,000/- to the rice miller-Hibja Food Private Limited for supplying the rest quantity of CMR, but the same was not supplied by the concerned miller.

5. However, referring to the supplementary affidavit, learned counsel for the petitioner submits that a sum of Rs. 9,27,000/- has been deposited in the Rahika Central Cooperative Bank Limited, Madhubani by the petitioner and the Bank has



given certificate that the loan amount granted for the purpose of paddy for the year 2021-22 to the PACS, in question, has already been returned by the PACS.

6. Mr. Ajay Kumar Thakur, learned counsel further submits that as per the procedure, the PACS procures paddy directly from the farmers at MSP, the price, equivalent to paddy, supplied by the farmers, is paid by the Bank to the concerned farmers and the loan, against which the payment is made to the farmers by the Bank, is charged against the PACS. After supply of CMR by the PACS to the Government i.e. Bihar State Food Corporation, the Bihar State Food Corporaion directly transfers the money equivalent to the value of the CMR to the concerned Bank. Since the petitioner has already made the payment of the deficit quantity of CMR, there is no liability on the Government to pay any amount to the Bank.

7. Regards being had to the submission made by the parties and taking into consideration the certificate, provided by the Rahika Central Cooperative Bank Limited, Madhubani, that entire amount for purchase of paddy for the year 2021-22 has already been paid to the Bank and there is no dues against the concerned PACS, I am inclined to grant anticipatory bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate 1st Class, Madhubani, in connection with Rajnagar Police Station Case No. 291 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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