

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53821 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- SINDHIYA District- Samastipur

1. Soman Yadav S/O- Late Ramdev Yadav
2. Will Klintion @ Shri Bil Klintan Kumar son of Soman Yadav,
Both are resident of Village- Bhirar Panchayat Salepur PS- Singhiya Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2023 Heard Mr. Sujit Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Parmeshwar
Mehta, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Singhia P.S. Case No.46 of 2023, registered for the offences
punishable under Section 420 of the Indian Penal Code and
Section 7 of Essential Commodities Act, 1955.

3. Prosecution story, in short, is that a raid was
conducted at the PDS shop of the petitioners and on physical
inspection of PDS shop, 31 kg of wheat in excess and 35.81
quintal of rice in less than the original stock were found in the
PDS shop of the petitioners.



4. Learned counsel appearing on behalf of the petitioners submitted that the alleged seizure of 31 kg. of wheat in excess and 35.81 quintal of rice in less than the original record can be verified. In support of the same, learned counsel submitted that all the records are maintained online, as per the POS Machine. The seizure was conducted at the premises of Singhiya Police Station, under whose jurisdiction the PDS shop falls and there is no allegation that the seizure list was prepared in presence of any independent witness, as such no case is made out against the petitioners. Learned counsel further submitted that in paragraph no.11 of the bail application, it has been submitted that due to some technical fault in the POS machine, the stocks were not updated and the same can be verified from the godown from where the stocks were brought to the PDS shop of the petitioners by the vehicle, which is fitted with GPS system to track the movement of the essential commodities.

5. *Per contra* learned APP for the State submitted that the petitioners are PDS dealer and the stocks are maintained in POS machine, as mentioned in paragraph 88 of the case diary and on perusal of the allegation made in the FIR, it appears that



the involvement of the petitioners can not be denied in commission of black marketing.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made against the petitioners of shortage of rice and excess of wheat, as quantified in the FIR and the petitioners have submitted that they had made a complaint regarding the technical fault in the POS machine, however, they have not brought on record any evidence in this regard except statement in paragraph no.11 of the bail application. No complaint has been made by any of the beneficiary and the petitioners are ready to get their stock verified at their shop. In that case, this Court directs the S.D.O., Rosera to visit the PDS shop of the petitioners and verify from the electronic devices and see that the inspection was conducted in accordance with provisions of Rule 20 of Bihar Targeted Public Distribution System (Control) Order, 2016 and if it is found that the computerized transaction and the record shows that no such irregularities were committed by the petitioners. He may submit his report before the District Court within a period of two weeks from the date of communication of this order. In case, the district court finds that the report is in favour of the petitioners or the petitioners give an undertaking that they will



give an undertaking that they will compensate the entire amount of loss along with penalty, in that case the petitioners are directed to be released on bail in accordance with law in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sri Uday Veer Singh, J.M. 1st class, Rosera district, Samastipur in connection with Singhiya P.S.Case No.46 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no.3, this order will lose its force automatically.

(Purnendu Singh, J)

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