

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46657 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- NAUGACHIA District- Bhagalpur

RAJ KUMAR SHAROFF S/O RAMAWTAR SHROFF Resident of
Dharmshala Road, Village- Naugachia, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Senior Adv.
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-01-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in connection with Naugachia P.S. Case No. 289 of 2021 under Sections 420, 409, 120(b) of the Indian Penal Code and Section 7 of the Essential Commodities Act.

As per the prosecution story, the Supply Inspector lodged the FIR stating that the petitioner, son of Ram Awatar Sharoff despite the fact that the license was in the name of his father and brother and his father died a decade ago, was lifting kerosene oil and as such committed illegality and in that backdrop, the State became loser by Rs. 14,74,725.93.

Learned Senior Counsel submits that as a matter of fact, the petitioner had no role to play in the matter inasmuch as



the license was issued in the name of his late father, Ram Avtar Sharoff and brother, Om Prakash Sharoff and in that backdrop, once his father died, it was the duty of Om Prakash Sharoff to take relevant steps in the matter and under no circumstance, he can be held liable for any misdemeanor on the part of his brother. It is his last submission that it is not the case of the informant/State that at any point of time since the last nine years, it was the petitioner who had lifted the kerosene oil and/or had put in his initials in receipt of the sale.

Learned APP on the other hand submits that in view of the family arrangements made between the parties, it was the petitioner who was running the shop and as such, he cannot exonerate himself of the charges.

The petitioner has filed the supplementary affidavit and para-4 of the same reads as follows :-

"that the kerosene oil wholesale dealer is in name of M/S Ramawtar Ram Gopal whole sale kerosene oil seller, Naugachia and after the death of father Om Prakash Shraff of Naugachia district Bhagalpur was running the business of kerosene oil wholesale dealer vide License No. 8/NGA/85."

In the aforesaid circumstances, this Court is of the



view that the petitioner having shifted his responsibility on his brother, Omprakash Sharoff and as per his submission, he never lifted kerosene oil after the death of his father nor there is anything on record of the State to show his receipt for the same, he do not have criminal antecedent, this Court is inclined to grant him the relief.

Let the petitioner be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM 1st , Naugachia in connection with Naugachia P.S. Case No. 289 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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