

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62309 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- SISWAN District- Siwan

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UMESH NARAYAN TIWARI S/O LATE MAHADEV TIWARI R/O
VILLAGE- GHURGHAT, P.S- SISWAN, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. D.N. Tiwari, Advocate
	Mr. Kumar Rajdeep, Advocate
	Mr. Arvind Kumar, Advocate
For the Opposite Party/s :	Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Section 7 of the E.C. Act.

3. According to prosecution case, on inspection, some
irregularities was found in the P.D.S. shop of one Dilip Kumar
Singh and his license was cancelled by the Licensing authority
on 11.05.2020. It is further alleged that after cancellation of
license of Dilip Kumar Singh, the allotment was attached with
the petitioner's PDS Shop. It is further alleged that on
09.07.2021, the PDS license of the Dilip Kumar Singh was
restored and the petitioner was directed to hand over the grain as
well as e-pos machine to Dilip Kumar Singh but no grain was
handed over by the petitioner. It is further alleged that Dilip
Kumar singh stated that about 481.05 quintals rice and 249.49
quintals of wheat was not handed over to him which was



received at the time of tagging.

4. It is submitted that on behalf of the petitioner that petitioner is a dealer since more than 30 years without any complaint. It appears that the PDS shop of Dilip Kumar Singh was inspected wherein some illegality and irregularity was found and thereafter the Licensing authority suspended the license of Dilip Kumar Singh on 20.05.2020. The allotment of Dilip Kumar Singh was tagged with the petitioner's PDS shop on 27.05.2020. On 03.06.2020 only e-pos machine was handed over to the petitioner but the stock of food grains showing in the e-pos machine was not physically delivered to the petitioner and thereafter it appears that the petitioner filed an application before the Block Supply Officer Siswan on 29.12.2020 with regard to non-supply of food grains. Petitioner is aged about 85 years and is suffering from various ailments. Lastly, he submits that due to institution of criminal case, the PDS license of the petitioner has been suspended and a notice for cancellation has been issued by Licensing Authority.

5. Learned counsel for the State has vehemently opposed the prayer of anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let



the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 learned S.D.J.M., Siwan/concerned court below in connection with Siswan P. S. Case No. 104 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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