

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70519 of 2023

Arising Out of PS. Case No.-505 Year-2022 Thana- NARPATGANJ District- Araria

Mithilesh Kumar Rishideo @ Mithlesh Kumar Rishideo Son Of Dhaniklal
Rishidev R/O Village- Fatehpur, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Narpatganj P.S. Case No. 505 of 2022 dated 14.11.2022,
instituted for the offence punishable under Section 7 of the
Essential Commodities Act.

3. The prosecution case, in short, is that, informant
submitted an inquiry report that license of P.D.S. shop of
Mithlesh Kumar Rishideo bearing license no. 04N of 2019 of
Fatehpur Panchayat has been cancelled and the said P.D.S. shop
of Fatehpur Panchayat was tagged with the P.D.S. shop of
Pawan Kumar Rishideo bearing license no. 01N of 2021.
Thereafter, Mithlesh Kumar Rishideo was directed to make
available the concerned POS machine, balance undistributed



food grains, kerosene oil to the tagged shopkeeper Pawan Kumar Rishideo, but Mithlesh Kumar Rishideo did not handover the rest food grains at that time which is 30.46 quintals wheat and 182.96 quintals of rice. Pawan Kumar Rishideo informed regarding not making available the said rest food grains in accordance with POS machine.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner was the P.D.S. dealer *vide* License No. 04N of 019 and has not violated any control order and there is nothing on record to show that the petitioner was involved in black-marketing of the food grains. There is no any complaint from the side of the beneficiaries against the petitioner. It is further submitted that the P.D.S. shop godown of the petitioner was inspected by the informant and the stock were found in accordance with stock and distribution register, but due to technical fault in E-POS Machine the stock was not found as per E-POS machine. It is further submitted that the license of P.D.S. shop of the petitioner has been cancelled on 03.11.2022 before filing of the present case. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Narpatganj P.S. Case No. 505 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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