

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70915 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- BHARGAMA District- Araria

SUSHILA DEVI W/o Rajeshwar Paswan R/v- Mangalwar Charaiya, P.S.-
Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard the parties.

The petitioner apprehends her arrest in connection with Bhargama PS Case No. 158 / 2022 dated 01.08.2022 registered under Section 7 of the Essential Commodities Act.

The allegation against the petitioner is that she being a P.D.S. Dealer misappropriated and sold 134.57 Quntal Wheat and 183.99 Quntal rice in black marketing.

Learned counsel for the petitioner submits that as per instruction of the informant the petitioner being a P.D.S. Shop dealer was required to transfer 183.99 Quntal rice and 134.57 Quintal wheat to nearby P.D.S. Dealer namely, Bechan Chaudhary having license no. 14BH / 2016 but as per the allegation the petitioner failed to hand over the aforesaid quantity of wheat and rice in favour of Bechan Chaudhary and



has misappropriated the same. Learned counsel further submits that petitioner is a lady and her P.D.S. Shop license has also been cancelled. He next submits that petitioner is ready to deposit / hand over 183.99 Quintal of rice and 134.57 Quintal of wheat in favour of Bechan Chaudhary (adjacent P.D.S. Dealer) as per the instruction of the informant. He says that petitioner will do the same within a period of three months.

Regard being had to the submission made by the parties, taking into consideration the submission of learned counsel for the petitioner that petitioner will return the aforesaid quantity of wheat and rice within three months, as such, I am inclined to grant provisional anticipatory bail to the petitioner for a period of three months with condition that after the petitioner returns the aforesaid quantity of wheat and rice in favour of the adjacent P.D.S. Dealer and submits the receipt / acknowledgment thereof given by the competent authority, the provisional anticipatory bail of the petitioner shall be confirmed by the concerned court below itself.

Let the petitioner, above named, be released on provisional anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand)



with two sureties of the like amount each to the satisfaction of
Sub Divisional Judicial Magistrate, Araria in connection with
Bhargama PS Case No. 158 of 2022 subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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