

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29793 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- ROH District- Nawada

Rajendra Ram son of Late Karu Ram village- marui, Tola Bhandari PS- Roh District-Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Lalit, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Roh P.S. Case No. 16 of 2024 for the offence under section 7 of the E.C. Act lodged on 11.01.2024 by the informant, Pravin Chandra.

3. As per the prosecution story, the petitioner was having a PDS license and upon inspection, shortage of materials were found inasmuch as 296.24 quintal wheat, 659.62 quintal rice total 955.86 quintal grains. Accordingly, on the direction of the Sub-Divisional Officer, Rajauli, the FIR was lodged.

4. Learned counsel for the petitioner submits that he was over-burdened as the license of other PDS shops was also attached to him. Further given a chance, he would have proved that there was no shortage.



5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 50,000/- to the office of Sub-Divisional Officer, Rajauli, Nawada for the present.

6. He further submits that as his license is already suspended, he may be allowed to pay the amount in two installments.

7. Learned APP opposes the prayer stating that upon inspection, shortage of materials were found which otherwise should have gone to the houses of the poor.

8. Taking into account the submissions of the parties as also the fact that FIR lodged, the petitioner will be facing the trial, do not have criminal antecedent and for the present, he is ready to pay Rs. 50,000/- addressed to the office of the Sub-Divisional Officer, Rajauli, this Court is inclined to extend him the privilege of anticipatory bail subject to the condition that the payment of Rs. 50,000/- shall be made in following manner:

(i) Rs. 25,000/- by way of demand draft in favour of the Sub-Divisional Officer, Rajauli to be submitted in the Court on the day he furnished bail bond;

(ii) the rest Rs. 25,000/- by way of demand draft



addressed to the Sub-Divisional Officer, Rajauli to be paid by 16.08.2024;

(iii) failure to do so, the steps shall be taken for cancellation of his bail bond.

9. Let the petitioner be released on bail in the event of 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) each with two sureties of like amount each to the satisfaction of learned SDJM, Nawada, in connection with Roh P.S. Case No. 16 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

