

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44962 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- BHAGWANPUR District- Begusarai

Raja Ram Rai SON OF BHUVNESHWAR RAI RESIDENT OF VILLAGE
-CHURMAN CHAK, P.S.-BHAGWANPUR , DIST- BEGUSARAI
(BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 409 and 420 of the Indian
Penal Code and Section 7 of the E C Act.

3. As per the prosecution case , the allegation against
the petitioner is that while working as PDS dealer he sold
66.12 quintals of wheat and 174.79 quintals of rice and as such
he is indulged in black marketing of the foodgrains.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. The allegation of black marketing of foodgrains is
completely false. The FIR has been registered after much delay



and there is no explanation for delay of three months but the same is explainable in view of the fact that a civil writ being C.W.J.C. No. 2971 of 2024 was filed by the petitioner on 31.01.2024 for restoration of licence of her PDS dealership and when the authorities came to know about filing of the civil writ, they filed the instant FIR with malafide intention. Learned counsel further submits that the petitioner was never supplied 66.12 quintals of wheat and 174.79 quintals of rice and for this reason no document has been provided by the informant with the FIR. There has been mismatch between the physical supply and the supply being shown on E-Pos machine against the petitioner and such discrepancies have been observed in case of other PDS dealers. The problem occurred for the reason that excess quantity of supply of foodgrains have been shown and uploaded in the E-Pos machine of the petitioner but there is no supporting document. Moreover, for filing a case under Section 7 of the Essential Commodities Act it is necessary to show contravention of any office order under Section 3 of the Essential Commodities Act and no such contravention has been brought on record. Similarly situated co-accused person has already granted bail by co-ordinate Bench of this Court vide order dated 26.06.2024 in Cr. Misc. No. 38568 of 2024 .



Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, 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 the learned Additional Session Judge – VI cum Special Judge of POCSO Act Begusarai in connection with Bhagwanpur P.S. case No. 35 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

Koushik/-

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

