

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38568 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- BHAGWANPUR District- Begusarai

Sita Devi Wife of Rajendra Ram Resident of Village- Jaintigram Sherpur, P.S-
Bhagwanpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 30 of 2024, registered on 10.02.2024 for the offences under Sections 409 and 420 of the Indian Penal Code.

3. As per prosecution case, the allegation against the petitioner is that while working as PDS dealer she sold 124.40 quintals of wheat and 189.59 quintals of rice in black market for which her licence was also cancelled.

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. 3115 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 124.40 quintals of wheat and 189.57 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. The petitioner is a lady of weaker section



having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the huge quantity of foodgrains have been black marketed by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner without any substantive material and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Bhagwanpur P.S. Case No. 30 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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