

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41092 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- JALALPUR District- Saran

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Krishnakant Upadhyay @ Krishankanth Upadhyay, S/O Late Ramadhar Upadhyay @ Ramavtar Upadhyay, R/O Village- Mangolapur Mathiya, P.S- Jalalpur, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Jalalpur P.S. Case No. 122 of 2023 registered for the offences punishable under Section 7 of the E.C. Act.

3. As per prosecution case, on 03.06.2023, the shop of the petitioner was inspected by the Block Supply Officer, Jalalpur, Saran and at the time of inspection the petitioner did not produce Stock Register, Distribution Register and Inspection Register before the Officer. On inspection, it was found that the EPOS machine shows stock of 183.60 quintals of rice and 58.19 quintals of wheat but there was no foodgrain found in the shop of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The EPOS machine was not working properly for last 20 days and the petitioner had complained to his official and on their instruction foodgrains was distributed manually which is already recorded in the register maintained by the petitioner, which has already been inspected by the Block Supply Officer, Jalalpur, Saran and all the registers were found up-to-date. He further submits that the petitioner is suffering from brain tumor which requires surgery in a hospital. Petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial of this case.

5. Learned APP opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with



Jalalpur P.S. Case No. 122 of 2023, subject to the conditions as
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Sunil Dutta Mishra, J)

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