

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62075 of 2023

Arising Out of PS. Case No.-467 Year-2022 Thana- BARHARIA District- Siwan

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KRISHNA JEE PRASAD S/O LATE JANGI PRASAD R/O VILLAGE-
KUDAWA, PS. BARHARIYA, DIST. SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-02-2024 Heard Mr. Kumari Anupam, learned counsel

 appearing on behalf of the petitioner and Mr.Parmeshwar

 Mehta, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Barharia P.S. Case No. 467 of 2022 registered for the offence punishable under Sections 188 and 353 of the Indian Penal Code and Section 7 of the E.C. Act.

3. As per the allegation made in the F.I.R., in course of inspection, 10 quintals of wheat and 36 qauintals of rice were found in excess in the P.D.S. Shop of the petitioner who was licensee of the government fair price shop under the scheme of Public Distribution System and for these irregularities, petitioner was held to have committed offence under Section 7 of the Essential Commodities Act.



4. Learned counsel appearing on behalf of the petitioner submitted that as per Rule 20 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as “Control Order, 2016”), the prescribed authorities mentioned therein are required to conduct inspection in terms of Sub-Clause-III which provides for technology based inspection and supervision and in case any irregularity is found, then Inspecting authority shall make a report available to the Licensing Authority without delay. The Licensing Authority is required to take action within a period of one month. Learned counsel further submitted that no beneficiary has complained against the petitioner and the Block Supply Officer due to personal grudge has implicated the petitioner in a false case.

5. In the present case, the inspection report on which basis the F.I.R. has been lodged is merely based on physical assessment made by the inspecting team and same cannot be relied in terms of Rule 20 of the Control Order, 2016. Learned counsel further submitted that the beneficiaries have never made any complaint against the petitioner.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having heard the rival submissions made on behalf



of the parties and materials on record, the inspection report appears to be conducted not in accordance with Rule 20 of the Control Order, 2016. The petitioner against whom there is no criminal antecedent has, prima facie, made out a case to be granted pre-arrest bail.

8. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan in connection with Barhariya P.S. Case No. 467 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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