

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67428 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Umesh Prasad Yadav Son of Late Ram Chandra Rai R/o vill - Rampur
Keshopatti, P.S. - Samastipur Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal (Sr.Adv.) Ms.Usha Kumari Singh (Adv.) Ms.Sunidhi Vimal (Adv.)
For the Opposite Party/s	:	Mr.Parmeshwar Mehta (APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8. 30-04-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for offence under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

3. As per F.I.R., the petitioner is P.D.S. dealer and he is alleged to be involved in black-marketing of the food grains. The informant, who is Block Supply Officer, has found shortage of 417.71 quintals rice and 21.47 quintals wheat in the P.D.S. shop of petitioner.

4. Learned senior counsel appearing on behalf of petitioner submits that shop of one PDS dealer namely Sanjay Kumar was closed and the rice & wheat of that PDS shop was



shifted to the PDS shop of petitioner and thereafter, when PDS shop of Sanjay Kumar was reopened, the petitioner was directed to return rest rice & wheat. However, there was some discrepancy, for that, a show cause notice was issued to the petitioner, which was properly replied by him (petitioner). Thereafter, again a show cause was asked on 24.05.2023 by the S.D.O. Samastipur, which supports the version of the petitioner, but after two month i.e. on 15.07.2023, the present F.I.R. was lodged without inspection of the PDS shop of this petitioner. As a matter of fact, the POS machine was out of order and as such, on the order of Block Supply Officer, the petitioner distributed the grains and took sign/LTI over separate register. He further submits that not a single consumer has complained against the petitioner about non-fulfillment of grains. Moreover, the licence of the PDS shop of the petitioner has been suspended, vide Memo no. 992 dated 22.07.2023 (Annexure P/7 to the supplementary affidavit). Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the fact that licence of the PDS shop has already been suspended and petitioner has got clean antecedent, let the above named petitioner, in the event of



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 340 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

anay

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

