

Arising Out of PS. Case No.-456 Year-2024 Thana- MAHNAR District- Vaishali

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... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Diksha Kumari , Advocate
Mr. N K Agrawal , Senior Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-02-2025 Heard learned counsel for the petitioner and the
State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under section 7 of the Essential commodities Act & Section 316 (5) and 3(5) of the BNS.

3 . As per the prosecution case , on 04.12.2024 at about 07:30 PM, when the shop of the petitioner was closed, an inspection was made and the authorities sealed the PDS shop of the petitioner. On 05.12.2024 at about 02:00 PM after breaking the lock of sealed shop , an inspection of shop was made and it was found that 179 bags (89.50 quintals) rice is kept in the shop but in the E – Posh Machine there was display of 1 kg rice and 4



kg wheat and in the E – Posh Machine of another PDS dealer Ram Das Shah tagged in the shop of petitioner 2 kg rice 5 kg wheat was shown and it is alleged that the stock found in excess in the shop of petitioner and it was suspected that it was kept for the purpose of black marketing. It is further alleged that the son of the petitioner disclosed that the delivery of rice found in the shop was delivered by the BSFC on 04.12.2024 but the BSFC portal doesn't mention the said delivery. It is further alleged that this petitioner, along with other co-accused persons, kept 179 bags of rice for the purpose of black marketing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the authorities have wrongly presumed that rice was kept by the petitioner for the purpose of sale in the black marketing. The petitioner was not found selling rice. concerned authority has suspended the PDS license of petitioner vide order dated 04.12.2024 and initiated a proceeding for cancellation of license of petitioner by notice dated 26.12.2024 i. e., Annexure – P/2 to the petition . The inspection was made in absence of petitioner by breaking lock of his PDS shop. Only on the basis of suspicion, surmises, and conjectures, this present false and concocted case has been



lodged against this petitioner. 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 eight 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 CJM Mahnar in connection with Mahnar P.S. case No. 456 of 2024 , subject to the conditions laid down under section 482 (2) of BNSS 2023 .

(Prabhat Kumar Singh, J)

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