

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12222 of 2025

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

Nitesh Kumar S/O Late Virendra Singh R/O Village- Jurawanpur, P.S-
Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. The District Manager, BSFC, Vaishali. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP
For bsfC	:	Mr. shailendra Kumar singh, Advocate
		Mr. Utkarsh Utpal , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-04-2025 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 co-accused Pradeep
Kumar Chaudhary was closed, an inspection was made and the
authorities sealed the PDS shop of the co-accused Pradeep
Kumar Chaudhary . 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 co-accused Pradeep Kumar Chaudhary 2 kg rice 5 kg wheat was shown and it is alleged that the stock found in excess in the shop of co-accused Pradeep Kumar Chaudhary and it was suspected that it was kept for the purpose of black marketing. It is further alleged that the son of the co-accused Pradeep Kumar Chaudhary 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 petitioner is door step delivery transport agent and he has no concern with the seized article . It is further submitted that only on the basis of suspicion , surmises, and conjectures, this present false and concocted case has been lodged against this petitioner. Moreover, co-accused Pradeep Kumar Chaudhary who is the PDS dealer has already granted bail this Hon'ble Court vide order dated 20.02.2025 in Cr. Misc. No. 10657 of 2025 . Petitioner claims clean antecedent.



5 . Learned counsel for the State and bfsc oppose 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 J M Ist Class Vaishali at Hajipur 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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