

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22676 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- MAHNAR District- Vaishali

Kamleshwar Paswan S/o- Late Ram Sharan Paswan Resident Of Village-
Sahpur, Govindpur, Ps-Mahnar, Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Mahnar P.S. Case No. 254 of 2024 registered for the offences punishable under Sections 409 of the Indian Penal Code and 7 of the Essential Commodities Act.

3. As per F.I.R., the stock of petitioner, who is a PDS dealer, was found less, where upon inspection, shortage of 14 quintals of rice and 8 qunitals of wheat was recorded.

4. Learned counsel appearing on behalf of the



petitioner submitted that wheat and rice are no more falls under the essential commodities as per Notification of the Bihar Government vide Notification dated 10.11.1986, through GSR No.57, Government of Bihar.

5. It is further submitted that due to wrong calculation arising out of previous deliveries of grains, which itself mentioned in the F.I.R., the present case was lodged against petitioner, who is a man of clean antecedent.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as wheat and rice now no more in list of essential commodities as to attract the offence as alleged *prima-facie* against the petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Hajipur, Vaishali,



in connection with Mahnar P.S. Case No. 254 of 2024,
subject to the conditions as laid down under Section 438(2)
of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik
Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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