

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39122 of 2025

Arising Out of PS. Case No.-602 Year-2019 Thana- BANKA District- Banka

Santosh Kumar male, aged about 48 years, Son of Late Nathuni Prasad
village- Kabaiya Road, Naya Bazar, Ps- Kabaiya, dist- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies corporation,
Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the BSFC	:	Mr. Shaliendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 15-10-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the BSFC.

2. The petitioner apprehends arrest in connection with
Banka P.S. Case No. 602 of 2019 dated 27-08-2019, instituted
under Sections 406 and 420/34 of the Indian Penal Code

3. The prosecution case, in short, is that as per the
Government's scheme for the Kharif marketing season 2012-
2013 the Nodal Agency was authorized to procure paddy from
farmers and get it milled into Custom Milled Rice (CMR)
through registered rice millers for delivery to the Food
Corporation of India (FCI). It is further alleged that in the year
2012-13, the petitioner, who is the proprietor of M/S Laxmi



Industry, entered into an agreement with the Nodal Agency for milling the paddy allotted to him. As per the records, the said miller received 3834.40 quintals of paddy and was required to produce 2569.05 quintals of CMR/ rice and deposit the same with the FCI. However, out of the required quantity, only 2430 quintals of CMR/ rice was deposited, leaving a balance of 139.05 quintals undelivered. Thus, the petitioner has embezzled government money worth Rs. 3,01,131/, and accordingly, the FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that during the Kharif season 2011-2012, the petitioner had entered into an agreement with the Bihar State Food Corporation (BSFC) for milling paddy. As per the terms of that agreement, the petitioner was required to deposit Custom Milled Rice (CMR) in advance in the BSFC godown, after which a proportionate quantity of paddy was to be supplied to him for milling. The petitioner claims that he deposited 139 quintals of CMR in advance, but BSFC never supplied the proportionate quantity of paddy. This fact was also admitted by BSFC. Further, during the Kharif season 2012-2013, the petitioner again entered into an agreement with BSFC for the



same work. He received 3834.40 quintals of paddy and deposited 2430 quintals of CMR. The petitioner further submits that after adjustment of 139 quintals of CMR from the previous year, the total due quantity stood settled with the consent of the BSFC authorities. This adjustment was confirmed by the District Manager, BSFC, through a letter dated 07.04.2016 addressed to the Certificate Officer which is annexed as Annexure P/2 to the bail petition. It is next submitted that for the same alleged shortfall of CMR mentioned in the FIR, a Certificate Case No. 49/2014-15 was also filed against the petitioner for Rs. 3,01,121/-. However, that case was later closed after the District Manager's report vide Letter No. 615 dated 07.04.2016, stating therein that the petitioner's advance deposit of 139 quintals of CMR had already been adjusted during the 2012-13 season. The Certificate Officer accordingly dropped the case on 12.04.2016. Despite this, much later by letter dated 17.02.2025 the Certificate Officer, Banka, informed the Officer-in-Charge that Certificate Case No. 49/2014-15 had already been closed based on the District Manager's report. Further submission is that the petitioner never accepted the later withdrawal of the 139 quintal CMR adjustment, which had been validly made by the District Manager in 2016 but was later



disapproved by BSFC authorities. Due to this disapproval, the present case was lodged after a long delay of about nine years from the date of the District Manager's letter dated 07.04.2016.

5. Learned counsel for the BSFC and learned APP for the State have opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Banka, in Banka P.S. Case No. 602 of 2019, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023.

7. The application stands allowed.

(Khatim Reza, J)

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