

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61024 of 2025

Arising Out of PS. Case No.-288 Year-2017 Thana- DHORAIYA District- Banka

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Dinanath Sah @ Ghantu Sah S/O Late Sadhav Prasad Sah Resident Of
Village- Saino, PS- Jagdishpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-09-2025 Heard the learned Counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dhoraiya P.S. Case No. 288 of 2017, registered for the offences punishable under Section 7 of E.C. Act.

3. The prosecution case, as per the First Information Report is that, on 30.12.2017 at about 10:00 P.M., during patrolling, the police intercepted a truck loaded with 450 bags of rice and it has been alleged in the FIR that *prima facie* rice appear to be government subsidized rice.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and has falsely been implicated in this case merely because he is the owner of the rice mill and booked the consignment of rice on 27.11.2017 and the same was seized on 30.12.2017 which was to be delivered to



the consignee, namely, Jai Mata Gayatri Traders, Banka having valid GST number. The bill for supplying the rice has been annexed at Annexure P/2 series to this petition. Petitioner is not the PDS dealer and the investigation in this case is still pending and the police has not arrived at the conclusion that the subsidized were are taken out from the PDS dealer and/or BSFC godown. The investigation of this case is still pending as would be evident from the impugned order where the police started search of the petitioner, apprehending his arrest, the petitioner filed the anticipatory bail application before the Court below and the same has been rejected.

5. Having regard to the submissions made by the parties taking into consideration the fact that petitioner is a rice miller and supplied the rice through transporter in favour of purchaser/consignee as would be evident from Annexure P/2 series and in the FIR it is not certain that seized rice is part of the Government subsidized rice and the petitioner is not named in the FIR, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, in connection with Dhoraiya P.S. Case No. 288 of 2017, subject to the condition laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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