

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62301 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- SHASTRINAGAR District- Patna

Pintoo Kumar Son of Late janardan Kishor R//O-39, Mandir, West Keshri
Nagar, Phulwari, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Mishra
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has
been filed by the petitioner apprehending his arrest in a case
instituted for the offence punishable under Section 7 of the
Essential Commodities Act.

3. Prosecution case in nutshell is that petitioner is a
PDS Dealer. The father of the petitioner was also a PDS
dealer whose license was cancelled and his shops were
attached with Sri Madan Ram. Later on, the shops were
attached with the petitioner's shop. The remaining food grains
were alleged to be handed over to the petitioner according to



the quantity through the E-POS machine. According to the E-POS machine, 41.13 quintal of wheat and 90.17 quintal of rice was handed over to the petitioner. It is further alleged that on stock verification, the abovementioned quantity of foodgrains were not found in the godown of the petitioner. In this way, there is allegation of misappropriation of Rs 4,94,120/- (four lakh ninety four thousand one hundred twenty rupees) against the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. It is further submitted that it was wrongly alleged that the remaining food grains of the father of the petitioner was missing and the petitioner is responsible for the same. It is further submitted that petitioner is ready to deposit the substantial amount out of the alleged misappropriated amount. It is further submitted that A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.



6. Learned counsel for the petitioner further submits that he is ready to pay Rs. 3,00,000/- (three lakh rupees) in three installments of Rs. 1,00,000/- (one lakh rupees) each in three consecutive months before the concerned S.D.O./licensing authority.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on **provisional bail**. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Shastrinagar P.S. Case no. 319 of 2024, he will be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIII, Patna, subject to the conditions as laid down under section 438(2) of the Cr.P.C. along-with aforesaid first installment of Rs. 1,00,000/- (one lakh rupees)

8. After verifying the receipt of Rs. 3,00,000/- (three lakh rupees), paid by the petitioner to the



concerned S.D.O./ licensing authority, the Trial Court
may confirm the provisional Bail granted to the petitioner.

9. The aforesaid payment will be subject to the
final decision of the case.

(S. B. Pd. Singh, J)

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