

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51170 of 2026

Arising Out of PS. Case No.-172 Year-2025 Thana- SALAKHUA District- Saharsa

Gulab Ram S/o Late Ram Kishan Ram Resident of Village- Situaha, P.S.-
Salkhua, District- Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Salukha P.S. Case No. 172 of 2025 registered for the offence punishable under Section 7 of the Essential Commodities Act, 1955.

3. The prosecution case, in brief, is that on the basis of a written report submitted by the Block Supply Officer, an inspection was conducted at the Public Distribution System (PDS) shop of the petitioner. Upon physical verification, a shortage of 12,005 kg of wheat and 34,672 kg of rice was allegedly detected, whereas, according to the EPOS Machine, the stock ought to have been 12,605 kg of wheat and 35,872 kg of rice, respectively.



4. Learned Advocate for the petitioner submitted that the present case has been instituted with *mala fide* intent for reasons best known to the prosecution. It is contended that during the course of investigation, the petitioner was extended the benefit of Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. However, after completion of the investigation, the police submitted charge-sheet against the petitioner for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, and Section 7 of the Essential Commodities Act, 1955, necessitating the filing of the present application for anticipatory bail. It is further submitted that the petitioner had already filed a detailed show-cause reply before the Sub-Divisional Officer, Simri Bakhtiarapur, satisfactorily explaining the alleged discrepancy. However, instead of first proceeding with the departmental action for cancellation of the petitioner's PDS licence, the authorities, with an oblique motive to harass the petitioner, instituted the present criminal case. Moreover, the petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State opposed the prayer for anticipatory bail and submitted that the materials collected during the investigation *prima facie* suggest the petitioner's involvement in black marketing of the food



grains.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the petitioner has consistently cooperated with the investigation and has already submitted his detailed show-cause reply before the concerned authority, which is stated to be pending consideration, coupled with the fact that the petitioner is a licensed PDS dealer having clean antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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, Saharsa in connection with Salukha P.S. Case No. 172 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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