IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50913 of 2026

CNR No. BRHC010734722026

Arising Out of PS. Case No.-186 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

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1. Shivshankar Gupta S/o Late Acche Lal Sah R/o vill - Tengrari, P.s.- Siwaipatti, Dist.- Muzafarpur
2. Rita Devi W/o Late Madan Sah R/o vill - Tengrari, P.s.- Siwaipatti, Dist.- Muzafarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 62545 of 2026

CNR No. BRHC010734722026

Arising Out of PS. Case No.-186 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

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1. Avinash Kumar S/O Shri Narayan Sah R/O Village- Tengrari, P.S- Siwaipatti, Distt.- Muzaffarpur.
2. Aniket Kumar S/O Ashok Sah R/O Village- Tengrari, P.S- Siwaipatti, Distt.- Muzaffarpur.
3. Sunita Devi W/O Sharan Sah R/O Village- Tengrari, P.S- Siwaipatti, Distt.- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 50913 of 2026)
For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.
Mr. Kumar Rajdeep, Adv.
Mr. S.K.Choudhary, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 62545 of 2026)
For the Petitioner/s : Mr.Kumar Rajdeep, Adv.
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

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4 29-10-2026 **Cr.Misc. No. 50913 of 2026**

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioners apprehend their arrest in Siwaipatti P.S. Case No. 186/2025, registered for the offence under Sections 338, 336(3), 318(4), 3(5) of the B.N.S. and Section 7 of the E.C. Act.

3. The prosecution alleges that during inspection, conducted on 24.09.2025, the fair-price shop of Smt. Rita Devi (petitioner no. 2) and the PDS shop-cum-godown at Tengari Panchayat, Minapur, Muzaffarpur, were found closed, and the beneficiaries alleged that ration had not been distributed for the month of September 2025. Upon subsequent physical verification on 09.10.2025, the e-POS records showed substantial quantities of foodgrains, whereas only 50 kg of rice and 150 kg of wheat were physically found in one godown, and no foodgrain was found in the other. It is alleged that the accused fair-price dealer, in collusion with other PDS functionaries, misappropriated and diverted government-subsidized foodgrains for black marketing.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence.

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Petitioner no. 1 is PACS Manager, whereas petitioner no. 2 is PDS dealer and entire allegation is based upon the discrepancy between the stock reflected in the 3-POS machine and the stock allegedly found during physical verification. The food-grains were duly distributed among the beneficiaries in accordance with the prescribed procedure. The e-POS machine frequently remains non-functional and suffers from several technical defects. However, without admitting guilt, the petitioners are willing and ready to deposit Rs. 10,00,000/- (Ten Lakhs) within 18 months to the concerned authority, subject to final outcome of the case.

5. In the facts and circumstances of the case, let the above named petitioners, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (East) Muzaffarpur in connection with Siwaipatti P.S. Case No. 186 of 2026, subject to condition as laid down under Section 482(2) of the B.N.S.S. with further following conditions:

> "(A) At the time of furnishing bail-bonds, the petitioners shall refund **Rs. 5,00,000/-** (five lakhs) through Bank Draft in the office of S.D.M. of PACS, East Muzaffarpur, concerned office and

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receipt of the same shall be furnished along with bail-bonds.

(B) Rest amount i.e. **Rs. 5,00,000/-** shall be refunded through Bank Draft in the concerned office 5 (five) installments within a period of eighteen months from the date of furnishing bail-bonds.

(C) If petitioners fail to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bonds of the petitioners."

6. It is made clear that aforesaid order has been passed only for considering the prayer for anticipatory bail without going into the merit of the case.

Cr.Misc. No. 62545 of 2026

7. Petitioner nos. 1 & 3 are merely nominees in respect of Smt. Rita Devi (P.D.S. Dealer, who is petitioner no. 2 in Cr.Misc. No. 50913/2026), whereas petitioner no. 2 is merely nominee of Shiv Shankar Gupta (Manager of PACS, who is petitioner no. 1 in Cr.Misc. No. 50913/2026) and have got no concern with the alleged black-marketing of government subsidized foodgrains. In the entire F.I.R., no specific role has been assigned to these petitioners, nor they are responsible for maintaining stock or distribution of food-grain.

8. Considering the same, let the above named

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petitioners, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (East) Muzaffarpur in connection with Siwaipatti P.S. Case No. 186 of 2026, subject to condition as laid down under Section 482(2) of the B.N.S.S.

(Prabhat Kumar Singh, J)

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