

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69200 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- RAGHOPUR District- Vaishali

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1. Raj Kumar Ray S/o Late Binda Ray R/o vill- Chandpura Ward No - 11, P.S.- Raghapur, Distt.- Vaishali
 2. Dharmveer Kumar S/o Raj Kumar Ray R/o vill- Chandpura Ward No - 11, P.S.- Raghapur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s :		Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 17-01-2026 Heard the learned Senior counsel for the petitioners
and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raghapur P.S. Case No.165 of 2025, F.I.R dated 19.06.2025 registered for the offences punishable under Section 7 of the Essential Commodities Act.

3. According to prosecution case, on 19.06.2025 under Section 7 of the Essential Commodities Act on the complaint of the Block Supply Officer, Raghapur. The allegation arises from the 2024 PACS election, in which Shakuntla Devi was elected Chairman of Chandpura PACS, replacing petitioner no. 1, and it was resolved to appoint Mukesh Kumar as PACS Manager in place of petitioner no. 2.



Despite orders issued by the Sub-Divisional Officer, Hajipur on 25.03.2025, 02.04.2025, and 12.04.2025 directing the petitioners to hand over specified e-POS machines along with available food grains to the newly elected body, the petitioners allegedly failed to do so. It is therefore alleged that the petitioners black-marketed 12,410 kg of wheat and 32,441 kg of rice from three PDS shops associated with Chandpura PACS.

4. Learned Senior counsel for the petitioner, by referring to Annexure-2, submits that on cancellation of E-POS machine, in respect of two licensees, namely, Harihar Rai and Ram Ekwai Rai, the said E-POS machine was transferred in the name of these petitioners for making appropriate distribution among the beneficiaries. It is the case of the petitioner that the E-POS machines were available but the grains were not transferred to this petitioner for making appropriate distribution among the beneficiaries, despite cancellation of respective licenses, for which these petitioners are said to have made request to the Sub-Divisional Officer, Hajipur, vide letter dated 05.04.2024.

5. It has next been submitted that ignoring such requests, the F.I.R., is said to have been registered against these persons while the grains are still lying in the go-down of those



two licensees, for which no efforts have been made by the authorities to get the grain transferred in the name of this petitioner and for no prudent reason, the instant F.I.R. has been lodged. In this case, case diary was also called for but the considerations of these issues does not form part of the investigation and the request, which is said to have been made by these petitioners for transfer of grains, vide Annexure-2, the Investigating Officer seems to have not considered, and even the authorities could have ensured transfer of the grains lying with the earlier licensees upon such request and the situation of lodging of FIR could have been averted.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and circumstance, accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur, in



connection with Raghopur P.S. Case No.165 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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