

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1154 of 2026

Arising Out of PS. Case No.-286 Year-2025 Thana- BAGHA District- West Champaran

Abhay Das, male, aged about 41 years, son of Late Ram Nath Prasad Sinduriya, resident of ward no. 30, Ahirani Tola, PS- Bagaha, Bagaha, West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Ms. Adya Pandey, Advocate Mr. S.K. Upadhyay, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-04-2026 Heard Mr. Sanjeev Kumar Mishra, learned senior counsel assisted by Ms. Adya Pandey, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bagaha Thana P.S. Case No. 286 of 2025, registered for the offence punishable under Section 7 of the Essential Commodities Act.

3. As per the allegation made in the FIR, upon inspection of the PDS shop of the petitioner, the Assistant District Supply Officer found that although 339.72 quintals of rice and 90.62 quintals of wheat were shown as available in the



e-POS records, the said stock was found missing from the warehouse. Relevant records of measurement and weighing were also not properly maintained or updated. Despite being called upon to explain the discrepancies, the accused failed to submit any reply. A subsequent review by the Sub-Divisional Officer, Bagaha, for the period March 2025 to August 2025 revealed that out of 378 ration cards linked to the shop, food grains were distributed to only about 70–80 beneficiaries. The prosecution alleges that these circumstances indicate arbitrary functioning of the shop and misappropriation/black-marketing of government food grains by the accused.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. She further submitted that after grant of license, the licensee with whom the P.D.S. shop of the petitioner was tagged, had made a joint application before the Block Supply Officer and has clearly mentioned the amount of wheat and rice quantity. She further submitted that despite specific directions issued by the Sub-Divisional Officer, Bagaha, *vide* Memo No. 415 dated 18.07.2024, the Block Supply Officer failed to verify the stock position, and the present prosecution has arisen due to such inaction and illegal



conduct on his part. Learned counsel submits that the quantity of food grains has already been acknowledged by the erstwhile licensee, who at the relevant time was made in-charge of the PDS shop of whose licensee was the father of the petitioner, who died and the petitioner was granted license on compassionate ground, therefore, the petitioner cannot be held liable for the alleged loss forming the basis of the FIR. The license of the petitioner has already been cancelled against which he has availed appropriate legal remedy. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner has himself admitted and accepted the quantity by filing a joint application before the Block Supply Officer. There was a clear shortage of food grains, which were meant for distribution to the beneficiaries, and the petitioner has been found involved in misappropriation/black-marketing of the said grains. In view of the seriousness of the allegations the petitioner don't deserve to be released on pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, the counter affidavit reveals that a joint application was



filed by the petitioner along with the licensee, who at the relevant time was made in-charge of the PDS shop of whose licensee was the father of the petitioner, who died and the petitioner was granted license on compassionate ground. The action of the Block Supply Officer shows that he has deliberately not adhered to the required procedure prescribed under Section 20 of the Bihar Targeted Public Distribution System (Control) Order, 2016 and have even not complied with the direction of the Sub Divisional Officer by determining the amount of loss in presence of both the licensee. The Block Supply Officer is solely responsible for the loss as has been ascertained. Moreover the petitioner has already suffered and his license has been cancelled, though against illegal order, he has already availed remedy. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Bagaha Thana P.S. Case No.



286 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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