## IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No.4340 of 2023

Binod Lakra .... Petitioner

Versus

The State of Jharkhand .... .... Opposite Party

## **Coram:** HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

Saiid Vunus

For the Petitioner : Mr. Sajid Yunus, Advocate For the State : Mr. P.D. Agrawal, S.P.P

## Order No.08 Dated-15.04.2024

Heard learned counsel for the parties.

- 2. Apprehending his arrest in connection with Mandar P.S. Case No. 204 of 2022 instituted under Sections 406 and 420 of the Indian Penal Code and Section 7 of Essential Commodities Act, the petitioner has moved this Court for grant of privilege of anticipatory bail.
- 3. As per FIR, allegation is that on 24.09.2022, 26.09.2022, 01.11.2022 and 02.11.2022 four truck respectively loaded with 194.787 quintal of wheat, 289.83600 quintal of rice, 244 quintal of rice and 244.44000 quintal of rice on each vehicle were sent from godown of FCI to Block Godown, Mandar. It is further alleged that the said ingredient has been used for black marketing and never reached at the Block Godwon. It is further alleged that the petitioner being Assistant Manager of FCI Godown has signed the old challans regarding receipt of food grains and his involvement has been found in misappropriation ingredients worth Rs.38,92,252/-.
- 4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case with ulterior motive. It is further submitted that petitioner signed the old challan under intoxication of liquor of which he has no knowledge that he has duty bound to receipt of challans. It is further submitted that petitioner has no criminal antecedents and he has replied the notice through letter in compliance of the notice issued under section 41A of Cr.PC. Petitioner undertakes to co-operate with the investigation of the case. Hence, the petitioner may be extended the privilege of anticipatory bail.

- 5. Learned S.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner for issuing old receipt of challans causing huge misappropriation of ingredients worth Rs.38,92,252/-. It is further submitted that the investigation is at initial state. Hence, petitioner may not be extended privilege of anticipatory bail.
- 6. Considering factual background of the case, it appears that there is direct and specific allegation against the petitioner of misappropriating foodgrains of huge amount which was sent from FCI Godwon and being responsible officer, he has taken plea that under intoxication of liquor, he signed receipt of challan which appears to be old one and also in view of the fact that petitioner is not co-operating with the investigation by appearing before the concerned Investigating Officer in spite of protection of arrest was given to him, I do not feel incline to extend the privilege of anticipatory bail to the petitioner. Accordingly, the prayer of anticipatory bail of petitioner is rejected.

(Pradeep Kumar Srivastava, J.)

Pappu/