

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29167 of 2014

Arising Out of PS.Case No. -42 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Sanjay Kumar @ Sanjay Kumar Singh S/O Sri Bharat Prasad Singh, R/O
Village- Dariyapur, P.S. Siwaipatti, District- Muzaffarpur proprietor M/S
Farms Center Situated at Station Road, P.S. Town, District- Muzaffarpur.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Awadhesh Kr. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 20-01-2015 Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest in a case for the offence punishable under section 29 of Insecticide Act, section 420 of the I.P.C and section 7 of Essential Commodities Act.

The petitioner was found selling misbranded insecticide having licensee for insecticide by the Company, accused no.2.

It is submitted that the petitioner being retailer is not supposed to be the expert for testing the quality of insecticide. When the offence is covered under the Special Act then section 420 I.P.C. or section 7 E.C. Act are not applicable. Subsequently report of the Central Laboratory was given on 05.01.2012 whereas

potency was up to January, 2012. Therefore, his report is based on expired insecticide and as such the petitioner being licensee retailer deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall 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 S.D.J.M. (East), Muzaffarpur in Complaint Case No. 'C' 42 of 2012/ Trial No. 1965 of 2013, subject to the conditions as laid down in section 438 (2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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