

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25481 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Bhola Prasad, S/o Late Ragho Sao, Resdient of Noorsarai, P.S.-
Noorsarai, District- Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha

For the Opposite Party/s : Mr. Amit Kumar Rakesh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Section 7 of E.C.Act and 420 of the Indian Penal
Code.

The prosecution story, in brief, is that a raid was made
on 30.01.2015 on fertilizer shop M/s Durga Khad Agency and it
was found that Bhola Prasad (petitioner) and Proprietor of the said
M/s Durga Khad Agency and Suresh Prasad, Proprietor of
Shankar Traders were found to be involved in irregularity and
black marketing of fertilizers. The inspection note vide letter no.
15, dated 30.1.2015 has been made annexure of the letter written
by B.A.O. to the police station upon which FIR was lodged.

It has been submitted on behalf of the petitioner that
prior to institution of the present case, a similar case for the same
offence was instituted. It is also submitted that the present case has

been brought with the allegation that the seized fertilizers have been exchanged with some other bags of fertilizers. It is further submitted that there is no substantive evidence to show that the petitioner has changed the bags, which have been sown by the prosecution. It is further submitted that by changing the bags, the petitioner is not being benefited in any manner. It has been submitted on behalf of the petitioner that he is ready to deposit an amount of Rs. 15,000/- in the court below within eight weeks, which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts, the above named petitioner is directed to deposit an amount of Rs. 15,000/- in the court below within eight weeks, which shall be subject to final disposal of the case and on doing so, in the event of his arrest or surrender in the court below within a period of eight weeks, he 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 learned C.J.M., Nalanda at Biharsharif in connection with Noorsarai P.S.Case No.26/2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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