

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48148 of 2014

Arising Out of PS.Case No. -287 Year- 2014 Thana -JAGDIHSPUR District- BHOJPUR

1. Narayan Prasad Son of Late Lalan Prasad resident of village- Jagdishpur,
P.S.- Jagdishpur, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

with

Criminal Miscellaneous No.50142 of 2014

Arising Out of PS.Case No. -287 Year- 2014 Thana -JAGDIHSPUR District- BHOJPUR

1. Manoj Kumar Singh Son of Sri Kisnath Singh Resident of Village-
Nayka Tola, Near Petrol Pump, Jagdishpur, Police Station- Jagdishpur,
District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48148 of 2014)

For the Petitioner/s : Mr. Buxi SRP Sinha, Sr. Advocate

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

(In Cr.Misc. No.50142 of 2014)

For the Petitioner/s : Mr. Ramchandra Singh

For the Opposite Party/s : Mr. Ram Naresh Ray (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 30-04-2015 The petitioners seek anticipatory bail as they apprehend their arrest in a case registered for the offences under sections 3(3), 7, 2(iii), 7, 35(1)(a), 2, 35(1), (6)-5 of Fertilizer Control Act, 1985 and Sections 7 (i), (ii), 7, (i)(a)(ii) of Essential Commodities Act, 1955. The concerned Jagdishpur PS case No. 287 of 2014 came to be instituted on the basis of a raid conducted by the Sub divisional Officer, Jagdishpur in certain shops selling

fertilizer.

The petitioner of Cr. Misc. No. 48148 of 2014 is the proprietor of Durga Khad and Kitnashak Bhandar, Jagdishpur. It is alleged against him that in course of raid the petitioner failed to produce the distribution register which was required to be maintained and, thus, it could not be ascertained as to whom the fertilizer was sold by the petitioner. It was also found that petitioner was selling fertilizer at the rate of Rs. 320/- per bag which was more than the fixed price. In this connection learned Senior counsel for the petitioner has submitted that there is nothing in the first information report as what was the fixed price of the fertilizer per bag and the petitioner was selling fertilizer at higher rate. He has contended that the petitioner was in fact selling the fertilizer at the price as fixed by the competent authority.

The petitioner of Cr. Misc. No. 50142 of 2014, on the other hand, is proprietor of Ranjan Khad Bhandar, Jagdishpur. It is alleged against him that he prepared the registers, which was required to be maintained, in haste and managed forged signatures on the registers.

In both the applications, it has been stated that the petitioners have no criminal antecedent.

Keeping in view the submissions advanced on behalf

of the parties and the nature of allegation, let the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/ Sri A. K. Manjhi, Judicial Magistrate, Bhojpur Ara in connection with Jagdishpur PS case No. 287/2014, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioners are found in future indulging in similar activities or in activity which would constitute offence under various provisions of Fertilizer Control Act, 1985 or Essential Commodities Act, 1955, the State will be at liberty to approach this court for cancellation of bail bonds furnished by these petitioners in terms of the order of this court.

Let a copy of this order be forwarded to Sub divisional Officer, Jagdishpur for records.

(Chakradhari Sharan Singh, J)

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