

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20370 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR

Neeraj Kumar Jha S/o late Surya Narayan Jha Resident of Village- Jha Tola Fasia, Tingachia, PS Katihar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Indu Bala Panday(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-07-2016 Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 7(1)(a)(II) of the E.C. Act and Sections 420/467/468 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that though the petitioner has been named by the driver of the truck from which 150 bags of fertilizers was recovered, the petitioner has no concern with the same. It is submitted that the aforementioned bags of fertilizer, though stated to have been loaded at the instance of the present petitioner, was in fact, loaded by the landlord from where the said material had been picked up by the truck driver. It is submitted that at no point of time, has the petitioner entered into any agreement of tenancy, is false and fabricated. He further

submits that as per the Fertilizer Control Order, 1985, no licence is required for conducting business for 200 bags (10 Metric Tons) and, therefore, the entire allegation as against the petitioner is false and he cannot be said to have violated any terms of the Essential Commodities Act.

Considering the nature of allegations made against the petitioner and that there is no other case of similar nature against the petitioner, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Katihar in connection with Muffasil P.S. Case No. 22/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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