

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17601 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

Santosh Kumar Gupta S/o - Late Mahadeo Sah R/o - Village - Chainpur
Road, Ward No. 1, P.S. - Bhabua, District - Kaimur (Bhabua).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr. R.B.Roy Raman(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2016 Heard learned counsel for the petitioner and learned
APP for the State

Petitioner apprehends his arrest in Bhabhua P.S. Case
No. 41 of 2016 registered for the offence punishable under Section
7 of the Essential Commodities Act.

The prosecution case as lodged by the informant is
that petitioner being fertilizer dealer sold fertilizer to one Raja
Ram Pal at more price than the prescribed government rate and
violated the terms and conditions of the license.

It has been submitted by the learned counsel for the
petitioner that petitioner is a license dealer of all types of fertilizer
and hence no case is made out against him. It has further been
submitted that petitioner has clean antecedent and provision of

Section 7 of the Essential Commodities Act is not applicable on him as he has not violated any of the provisions under Section 7 of the E.C. Act.

However, the learned APP for the State submits that petitioner is named in the F.I.R., as such, petitioner does not deserve the privilege of anticipatory bail.

Be that as it may, let the petitioner, named above, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhabua (Kaimur) in connection with Bhabua P.S. Case No. 41 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Rajiv/-

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