

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9628 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -BHAWANIPUR District- PURNIA

- =====
1. Ganesh Poddar, son of Late Lakhan Poddar
 2. Prakash Singh, son of Devo Singh, Both resident of village- Khapur, P.S.- Ratwara, District- Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra

For the Opposite Party : Mr. Ganesh Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-04-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bhawanipur P.S. Case no. 13 of 2016 registered under Section 7 of the Essential Commodity Act.

The accusation is that in the night of 22/23.01.2016 in course of patrolling duty, one tractor and trailer was seen by the Police personal. On seeing the Police, the driver of the tractor fled away leaving the Tractor bearing Reg. No. BR-34A-8937 along with Trailer No. BR-34G-1489. On search, 150 bag of Urea each containing 50 Kg. and 40 Plastic bags of zyme each containing 200 Kg. were seized.

Learned counsel for the petitioners submits that petitioner Nos.1 and 2 are the owner and driver, respectively, of the said tractor, which is said to be seized by the Police. Further submission is that, in

fact, the urea as loaded on the tractor of the petitioner no. 1 was belonging to the villagers, which was being carried out in village on purchase. Moreover, according to the Notification No. 5/F-45-90-8970, dated 17.10.1992, no license is required for possession of fertilizer to the extent to 10 Metric Tones and the alleged urea is about 7.5 Tones as such no offence under Section 7 of the Essential Commodity Act is made out against the petitioners.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No. 13 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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