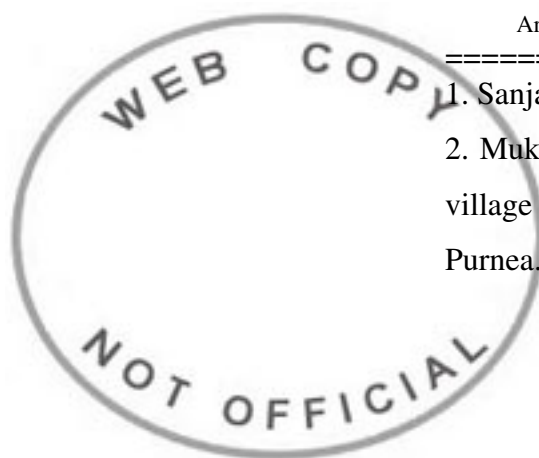


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12940 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -BHAWANIPUR District- PURNIA



- =====
1. Sanjay Chaudhary Son of Late Kartik Chaudhary
 2. Mukesh Chaudhary Son of Late Kartik Chaudhary Both the resident of village - Bhawanipur Rajdham, Police Station - Bhawanipur, District – Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Vikaram Singh, Adv.
For the Opposite Party/s : Mr. B.Ram (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 13-06-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Bhawanipur P.S. Case No. 51 of 2015 registered for the offences punishable under Sections 420, 467, 468, 471, 272, 273/34 of the Indian Penal Code, Section 7 of Essential Commodities Act and Section 47A of the Excise Act.

According to prosecution case itself, the F.I.R. named accused were engaged in manufacturing spurious and sub



standard fertilizer and the name of petitioners came in this case in confession statement of co-accused, Golden Singh, who stated in his confessional statement that he used to sell sub standard fertilizer to several shop keepers including the petitioners and on the basis of aforesaid confessional statement of co-accused, the godown of the petitioners was raided and in huge quantity bags of fertilizer were recovered.

Contention on behalf of the petitioners is that the petitioners are bona fide purchaser because they were not aware about the quality of fertilizer which had been supplied to them by the F.I.R. named co-accused and moreover, there was no necessity to obtain license for keeping up to 200 bags of fertilizer. However, after recovery of the aforesaid bags, petitioners applied for license and they got license by the competent authority.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub

Divisional Judicial Magistrate, Purnia in Bhawanipur P.S. Case
No. 51 of 2015 subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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