

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14311 of 2017**

Arising Out of PS.Case No. -145 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

=====

Abinish Kumar @ Awnet Ranjan @ Abnish Kumar, Son of Tek Narayan Singh, Resident of Village- Madhurapur Tanra, P.S.- Kalyanpur, District- Samastipur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party : Mr. Sri Satya Nand Shukla (APP)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      08-05-2017                      Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 145 of 2016, registered for the offences punishable under Sections 7 Essential Commodities Act and Section 7, 28(I) (a) of the Fertilizer Control Act.

Allegedly, at the shop of the petitioner D.A.P. fertilizer was being dumped and when the paper was demanded the driver did not produce any paper regarding the fertilizer and the petitioner was not present.

Submission is of false implication and that the petitioner has not violated any order, without any fault the petitioner has been implicated in this case, the driver who was



arrested has already been allowed bail. The punishment prescribed is only one year and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioner is the owner of the shop.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur, in connection with Kalyanpur P.S. Case No. 145 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

