

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47148 of 2017

Arising Out of PS.Case No. -201 Year- 2014 Thana -KOCHADHAMAN District- KISANGANJ

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AJAY LAL HARIJAN @ AJOY LAL HARIJAN Son of Chanda Lal Harijan, Resident of Village- Guabari, P.S.- Bahadurganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-12-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kochadhaman P.S. Case No. 201 of 2014 for the offence punishable under section 7 of the Essential Commodities Act.

Allegedly, from the pick-up van bearing registration no. BR-37F-6841 50 bags of Urea Fertilizer was recovered and for that there was no license.

Submission is of false implication and that in terms of the notification issued by the Government of Bihar vide no. 5/ F- 45/ 90-8970 dated 17.10.1992 (Annexure-2) there is no



requirement of license for selling the fertilizer up to 10 metric tone. It is submitted that on that ground criminal prosecution has been quashed vide Cr. Misc. No. 27793 of 2012 of another petitioner in another case and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. is not in a position to show any violation of the government notification in this regard.

In the facts and circumstances stated above, the petitioner, in case of his arrest or surrender within a period of 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 S.D.J.M, Kishanganj in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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