

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6466 of 2018

Arising Out of PS. Case No.-77 Year-2017 Thana- THAKURGANJ District- Kishanganj

Kalam @ Md. Kalam, S/o Alauddin, R/o Amalhjhari, P.S.- Thakurganj,
District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. SRI ASHOK KUMAR SINGH 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 7 of the E.C. Act.

The prosecution case as per the written report of Raj Kumar Paswan, Block Agriculture Officer, Thakurganj is to the effect that on 23.7.2017 at 5 P.M., he intercepted a Pick-up van, which was loaded with 30 bags of fertilizer. The driver disclosed his name as Gul Mohammad and the name of vehicle's owner as Guddu Ansari. The driver also disclosed that the fertilizer in question belongs to the petitioner.

It is submitted by learned counsel for the petitioner that the no invoice in the name of the petitioner was produced and the independent witnesses have suggested that the driver did not disclose the name of the petitioner. The petitioner does not



claim the fertilizer in question. Admittedly, the fertilizer was not seized from the place of the petitioner nor the petitioner was present in the vehicle in question. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that the petitioner has neither claimed the fertilizer in question nor anything was recovered to suggest that the fertilizer belongs to the petitioner, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM- I, Kishanganj, in connection with Thakurganj P.S. Case No.77 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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