

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39341 of 2018

Arising Out of PS. Case No.-392 Year-2012 Thana- MUFFASIL District- West Champaran

Dheeraj Kumar Agarwal S/o Late Vishwanath Prasad Agrawal, R/o Ward No. 15, Sonarpatti, Narkatiaganj, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the Opposite Party/s : Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2018 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 got initiated with the written report of Dr. Onkar Nath Singh, the then District Agriculture Officer, West Champaran to the effect that on information being received from MVI, Bettiah that a truck loaded with fertilizer has been seized, the informant reached on the spot and found that 400 bags of fertilizer known as Ammonium Sulfate, were loaded on the seized truck. It further transpired that the consigner of the seized fertilizer was Sheo Traders, Kotenevahwa, Gopalganj and it was consigned to M/s Ganesh Traders, Narkatiaganj, Bettiah.

It is submitted by learned counsel for the petitioner that



the accusation is based on suspicion. There is no proof with regard to the purchase of fertilizer by the petitioner's firm. On conclusion of investigation, the petitioner was not sent up for trial though differing with the final form, cognizance has been taken.

Considering the fact that the petitioner was not sent up for trial and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 SDJM, Bettiah in connection with Bettiah Mufassil P.S. Case No.392 of 2012 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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