

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10462 of 2019

Arising Out of PS. Case No.-269 Year-2018 Thana- DIDARGANJ District- Patna

SANTOSH KUMAR @ SANTOSH KUMAR SINGH Son of Sri Shambhu
Nath Singh Resident of Village - Sonawa, P.S-Didarganj, Dist.-Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-02-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Didarganj P.S. Case No. 269 of 2018 for the offence under Section 7 of the E.C. Act and Sections 3(3), 4, 5 and 35(a) of Fertilizer Control Rules, 1985.

The petitioner is admittedly a dealer in fertilizer and owns M/s Jai Mata Di Enterprises from where fertilizer is sold. This is also not in dispute that the sale of fertilizer is to be made using P.O.S. machine so as to avoid any chance of black marketing. It is alleged that the petitioner was selling fertilizer without using P.O.S. machine. He, thus, violated the Fertilizer Control order, issued under the provisions of the Essential Commodities Act, constituting offence under Section 7 of the E.C. Act.



Learned counsel appearing on behalf of the petitioner has submitted that no private person complained of any black marketing of fertilizer by the petitioner. He has, however, not been able to convince this Court that any amount of fertilizer was sold by the shop through P.O.S. machine.

In view of the above, I am not inclined to grant the petitioner privilege of anticipatory bail. This application is rejected.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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