

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14439 of 2019

Arising Out of PS. Case No.-962 Year-2018 Thana- FORBESGANJ District- Araria

Ganesh Sah @ Ganesh Prasad Sah, son of Laxmi Sah, resident of Ward No. 06, Bhagkohliya, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-03-2019 The petitioner seeks bail in anticipation of his arrest in connection with Forbesganj P.S. Case No. 962 of 2018 dated 14.12.2018 instituted for the offences under Sections 420/34 of the Indian Penal Code and Section 7 of the Fertilizer (Control) Order, 1985.

It appears from the perusal of the F.I.R that on a raid in the PDS shop of the petitioner, it was found that fertilizers also were being sold without valid license. The son of the petitioner was found present in the shop, who could not furnish relevant license for sale or purchase of fertilizers.



It has been submitted by learned counsel for the petitioner that assuming the aforesaid allegation to be correct, it would only be a breach of Section 7 of the Fertilizer (Control) Order, 1985, but under no circumstance, can it give rise to a case under Section 420 I.P.C.

The learned counsel appearing for the State however submits that trying to sell a controlled commodity by posing that a person has license to deal in the same, is also cheating as defined under Section 415 I.P.C and punishable under Section 420 I.P.C.

The aforesaid submission of the State appears to be rather far-fetched.

Considering the nature of accusation against the petitioner, in the event of his arrest or surrender before the Court below within a period of four weeks from today, he is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 962 of 2018, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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