

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16725 of 2019**

Arising Out of PS. Case No.-961 Year-2018 Thana- FORBESGANJ District- Araria

Amar Kumar Das, Son of Late Bhagwat Lal Das Resident of Village -
Bhagkohaliya, P.S.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navjot Yesu

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420/34 of the IPC and Sections 7/19(c)(I)(II)(VI) and 21(a) of the Fertilizers Control Order, 1985.

The prosecution case, as per the written report of Manoj Kumar, District Agriculture Officer, Chhapra, dated 14.12.2018 submitted to the Station House Officer, Forbesganj Police Station, is to the effect that on the basis of the report of the SDPO, Forbesganj, on 13.12.2018, the informant along with the Block Development Officer, Forbesganj reached at Village Kirkichiya and seized duplicate fertilizers stored in a go-down. On enquiry being made, the informant came to know that the



go-down belongs to the petitioner, being proprietor of Sri Bajrang Tradings, Forbesganj under Licence No. 194/2017-18, which is valid upto 31.03.2019. The informant further came to know that the petitioner along with co-accused Ganesh Prasad Singh use to trade duplicate fertilizer.

It is submitted by learned counsel for the petitioner that the maliciously raid was laid in the go-down of the petitioner when as per the FIR, the licence of the petitioner was valid upto 31.03.2019. It is further submitted that sample of the seized fertilizer was sent to the Quality Control Office, Department of Agriculture and its report dated 07.01.2019, which has been brought on record by way of supplementary affidavit, suggests that sample of the seized fertilizer was found to be of prescribed standard. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation against the petitioner, being the proprietor of the firm is specific to sale duplicate fertilizer.

Considering the report of Joint Director (Chemistry), Quality Control, Bihar which completely demolishes the accusation, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Araria in connection with Forbesganj P.S. Case No. 961 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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