

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25957 of 2019**

Arising Out of PS. Case No.-38 Year-2019 Thana- DIGHA District- Patna
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MD. EKBAL @ MD. EQBAL, aged about 36 years, male, S/o Md. Ashraf R/o
village- Digha Ghat, Post Office Gali, P.S.- Digha, Distt.- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Braj Bhushan Mishra, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-04-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 3(3)/4/5/7/35(a) of Fertilizer Control
Act, 1985 and Section 7 of the E.C. Act registered in connection
with Digha P.S. Case No. 38 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion, except which there is no objective
material to connect the petitioner with the alleged occurrence.
There is no seizure list whatsoever to support the accusation of
black marketing. As a matter of fact the petitioner had applied
for appropriate license and deposited the requisite fee of Rs.
1,000/- on 01.11.2018 and was awaiting the license before
commencing the business and the question of selling fertilizer @
Rs. 310/- without POS machine does not arise. The petitioner
claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from
the date of communication of this order, let the above named



petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Digha P.S. Case No. 38 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/Chandran

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