

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63000 of 2019**

Arising Out of PS. Case No.-283 Year-2019 Thana- DHAKA District- East
Champaran

=====

JAI PRAKASH PRASAD Son of Yogendra Prasad Resident of Village-
Kushvanshi Nagar, P.S.- Dhaka, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma
Mrs. Rashmi Jha, Advocates.

For the Opposite Party: Mr. Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420 of the Indian Penal Code and Section
7 of the Essential Commodities Act registered in connection with
Dhaka P.S. Case No. 283 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of black marketing fertilizer seized
from his shop. It is submitted however that even though the
seizure list was prepared on 10.08.2019 at 4:30 p.m. but the
same has been signed by the petitioner and official witnesses the
next day on 11.08.2019. It is submitted that fertilizer was meant
for personal use of petitioner. Moreover, there is delay in



institution of the F.I.R. on 14.08.2019 for the alleged occurrence of 10.08.2019. The petitioner claims clean antecedents.

4. Learned APP on the other hand opposes the petition as the submission of the petitioner suffers from misleading of the F.I.R. It has categorically been stated that inspection of the petitioner's shop was made on 10.08.2019 at 4:30 p.m. but thereafter as it became night time, the shop was sealed. The shop was unsealed on the following day on 11.08.2019 and the seizure list was prepared and signed. It is stated that the petitioner did not produce any permit or license as required under the Fertilizer Control Order, 1985 and Insecticides Rules, 1971.

5. Having regard to the nature of accusations and gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The petition stands dismissed.

(Vikash Jain, J)

Ibrar//-

U		T	
---	--	---	--

