

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54815 of 2018

Arising Out of PS. Case No.-258 Year-2012 Thana- HARSIDHI District- East Champaran

Navin Kumar Singh, S/o Late Dhrup Narain Singh, R/o Village Kanchhedwa
P.S. Harsiddhi, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act and Clause 28 of the Fertilizer (Control) Order, 1985.

The prosecution case got initiated on the basis of written report dated 25.08.2012 submitted by Block Development Officer, Harsidhi to the Station House Officer, Harsidhi Police Station to the effect on 25.08.2012 at 9.15 A.M. the informant on being received information to the effect that urea is being transported from Harsidhi Bazar to Chhapwa by a pickup van, led a raid, when on chase one pickup van was intercepted from which 48 bags of urea were recovered. On being asked, the



driver of the pickup van failed to produced any valid paper in connection with the urea. The diver of the pickup van disclosed that though the urea was loaded by co-accused, Kailash, but it was being loaded from the fertilizer shop of the petitioner. Since there was no document produced suggesting purchase of the urea in question, hence, it was suspected that the same is being transported for black marketing.

It is submitted by learned counsel for the petitioner that the FIR does not suggest that any verification from the shop of the petitioner was made to suggest that actually the seized fertilizers were purchased from the shop of the petitioner or not. Hence, even assuming the accusation to be true, no offence either under Section 7 of the Essential Commodities Act or Clause 28 of the Fertilizer (Control) Order, 1985 is made out. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State after going through the case diary that the petitioner failed to produce any valid document suggesting transportation of urea in question.

Considering the thrust of accusation against the person from whom the seizure has been made, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran, in connection with Harsiddhi P.S. Case No.258 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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