

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26312 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- LAUKAHA District- Madhubani

DEO NARAYAN PURVEY Son of Late Ram Bilash Purvey Resident of
Village - Dhanushi, P.S. - Laukaha (Lalmaniya O.P.), District - Madhubani.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

This application, for grant of anticipatory bail, arises
out of Laukaha (Lalmaniya O.P.) Police Station Case No. 22 of
2020, disclosing offences under Section 420 of the Indian Penal
Code and Section 7 of the Essential Commodities Act.

The allegation, as per the First Information Report, is
that a raid was conducted by a team, comprising of Block
Agriculture Officer, Jainagar, Block Agriculture Officer,
Laukaha and Officer-in-charge of Lalmaniya Police Station, on
the shop and godown of the petitioner, but the same were found
locked and thereafter, the raiding team raided the house of the
petitioner situated at Indo-Nepal border and found that huge
quantity of fertilizers and pesticides were kept in the house for



selling illegally in violation of the Fertilizer Control Order, to the Nepali citizens.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and, referring to Annexure 2, he submits that as per the license, the place of business of the petitioner has been described in column 2 and 3 of the license, which was valid at the time of raid and from perusal of the same, it would be evident that the location of the sale depot is different from that of the godown. He further submits that no independent witnesses have signed on the seizure list and, thus, the seizure is not in accordance with the provisions of law.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that there is specific allegation levelled in the First Information Report that the fertilizers and other materials have been recovered from the house of the petitioner, which is not the place of business, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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