

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85256 of 2019

Arising Out of PS. Case No.-61 Year-1999 Thana- MADHWAPUR District- Madhubani

1. BIRENDRA NAYAK @ BIRENDRA KUMAR NAYAK S/O- Sri Jibachh Nayak Resident of Village- Saharghat, P.S.- Saharghat, District- Madhubani
2. Gopalji @ Gopal Prasad S/o Sri Raghunath Prasad Resident of Village- Madhwapur, P.S.- Madhwapur, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Amresh Kumar Sinha
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-01-2020 Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Madhwapur P.S. Case No. 61 of 1999, registered for offences punishable under Section 7 of the E.C. Act.

As per FIR, one Tractor was inspected by the Police loaded with the fertilizers and they could not produce the papers. It is also alleged that the petitioner no. 1 is the licensee dealer and the petitioner no. 2 is the purchase of the fertilizer.

Submission of the learned counsel for the petitioners is that as a matter of fact in this case after investigation the Police has submitted final form, disagreeing with the same, cognizance was taken by the Magistrate against which the petitioner has preferred Criminal Revision No. 492 of 2002, in which there was stay order, vide order dated 25.6.2002 as per Annexure-2 and later on Criminal Revision application was



dismissed vide order dated 17.8.2012 but the same was communicated to the court below in the month of November, 2018 that he has stated on oath in para 22 and he is ready to abide by any condition imposed upon him.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Benipatti in connection with Madhwapur P.S.case No.61 of 1999 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition hat he has to co-operate in disposal of the trial and will appear as and when required.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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