

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8837 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- MADHWAPUR District- Madhubani

Prabhu Mandal Son of Bindeshwar Mandal Resident of - Basuki Behari, P.S. -
Madhwapur, Distt. - Madhubani, Prop. M/S Santosh Khad Beej Bhandar, Vill
- Basuki Bihari, P.S. - Madhwapur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2021 Heard the learned counsel for the petitioner and Ms.
Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Madhwapur PS case no. 98 of 2020
registered for the offences punishable under Section 420 of
Indian Penal Code and 7 of Essential Commodities Act.

The allegation is regarding inspection having been
conducted at the shop of the petitioner, whereupon it was found
that the petitioner had sold 60 bags of Urea fertilizers but he
could not make available the details regarding the person to
whom, the same had been sold.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case and is having a clean antecedent.



The learned counsel for the petitioner has further submitted that 60 bags of Urea was sold to one Amarnath Chaudhary who is a senior citizen and the same is permissible as per law.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is stated to have sold 60 bags of Urea to one Amarnath Chaudhary through POS system and as per the Government guidelines and policy, the petitioner is authorized to sell up to 100 bags of Urea fertilizer through the POS system, apart from the fact that the petitioner is having a clean antecedent, this Court finds that benefit of doubt can be given to the petitioner for the purposes of grant of anticipatory bail. Thus, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with



two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Benipatti, Madhubani in connection with Madhawapur PS case no. 98 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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