

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1788 of 2022

Arising Out of PS. Case No.-514 Year-2021 Thana- NARPATGANJ District- Araria

Amit Kumar Bhagat, Son Of Sri Rajendra Prasad Bhagat Resident Of Village
- Madhura West , P.S.- Narpatganj, Distt.- Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur- Advocate Mr. Shivam- Advocate
For the Opposite Party/s :		Mr. Parmeshwar Mehta- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 7 of
the E. C. Act and Fertilizer Control Order, 1985.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case under the excise Act and
the informant alleges that the petitioner has accepted based on
video footage that he was selling local fertilizer. It is next
alleged that in the video, the petitioner was seen saying that if
you take one it is for Rs.1500/- and if you take that one i.e.
Rs.1417/-, but you will get after two days. It is next alleged that
petitioner on inquiry was not able to disclose from where he had



purchased the fertilizer as the same was not recorded in the concerned registers, as such, he violated the Fertilizer Control Order, 1985.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the Annexure-2 to the anticipatory bail application, it would manifest that the petitioner had purchased the said fertilizer from Himalaya Agro Chemicals (Private) Limited, Purnia and had also maintained the same in his register, but the informant for reasons best known did not record the statement of the petitioner correctly. It is next submitted that petitioner being a licensee ought to have been issued a show-cause before instituting the F.I.R. seeking explanation with regard to the allegation as it has been alleged that he was selling duplicate fertilizer in garb of his license.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Narpatganj P. S. Case No.514 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the order granting anticipatory bail to the petitioner is limited to the period of filing of charge-sheet in the event, if the charge-sheet is filed against the petitioner, the present order will come to end.

(Satyavrat Verma, J)

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