

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2434 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- DEEPNAGAR District- Nalanda

ROHIT RAJ Son of Mr. Ramashish Prasad Resident of Village- Bharawpar (Murarpur), P.S.- Laheri, District- Nalanda., Presently residing at Village- Devisarai, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 7(1)(a) (iii) of the Essential Commodities Act.

The informant alleges that as per the order issued, inspection was conducted by the District Level Officer and as per inquiry report no similarity was found between the POS machine and the actual stock of fertilizer in the godown of the petitioner's shop, it is next alleged that the petitioner disclosed that the stock had already been sold and thus, based on suspicion it is alleged that he was indulging in black marketing.



Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and from bare perusal of the allegation as alleged in the FIR it would manifest that the same is vague and cryptic and it does not disclose that as to what amount of fertilizer was sold by the petitioner which categorized him in the category of committing black marketing. Learned counsel next submits that there is no prohibition in selling fertilizer up to a fixed limit and the FIR does not even remotely suggest that what amount of fertilizer was sold by the petitioner thus exceeding the limit fixed by law. It is also submitted that several farmers during Covid-19 were not willing to give their thumb impression on the POS machine and accordingly the signature were taken in the sale register which was not examined.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the
case is pending/successor court in connection with
Deepnagar P.S. Case No. 309 of 2021 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Gauravkr/-

U		T	
---	--	---	--

