

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12392 of 2022**

Arising Out of PS. Case No.-107 Year-2021 Thana- FESHAR District- Aurangabad

Sanjay Kumar Gupta Son of Shyam Vilash Saw Resident of Village-
Ibrahimpur, P.S.- Phesar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Malti Kumari, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 18-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Phesar
P.S. Case No. 107 of 2021 registered for the offence under
Sections 420 and 353 of the Indian Penal Code, Sections 3(3),
(4), 28(i)(a) And 28(1)(c) of Fertilizer Act, 1985 and Section
7(i)(a)(ii) of Essential Commodities Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.12.2021.

The allegation against the petitioner is that he failed to
show the stock book and sell register, on demand, to informant,
in the background of the allegation that he sell the fertilizers for



higher price than retail price.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is based upon suspicion and no written complaint of any individual against the petitioner has been registered before police or any concerned authority, as regard to selling of fertilizers at higher price. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that prosecution is not based upon the complaint of any private individual.

Considering the facts and circumstances as mentioned above, as entire prosecution is based upon hearsay and secret information, without any complaint of consumer coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Phesar P.S. Case No. 107 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Aurangabad/concerned



Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Mantu Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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