

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10979 of 2022**

Arising Out of PS. Case No.-84 Year-2021 Thana- MIRGANJ District- Purnia

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ALOK KUMAR SON OF LATE ASHOK PRASAD YADAV @ ASHOK
YADAV RESIDENT OF DUMARIYA WARD NO. 11, P.S. MIRGANJ,
DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 35(1)(b) of
the Fertilizer Control Order, 1985 from banned rule 5 and 7(1)
(a)(i) of the E.C. Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant BDO, Dhamdaha alleges that on
23.08.2021, the retail fertilizer sellers who were hoarding and
indulging in black marketing of fertilizers were marked and this
petitioner was suspected of selling 50 bags of Urea.



Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion and there is delay of 7 days in instituting the FIR. He further submits that petitioner had purchased fertilizer in the name of his wife as has been specifically pleaded at para 9 of the anticipatory bail application.

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 Court below 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 court below where the case is pending/successor court in connection with Mirganj P.S. Case No. 84 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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