

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14435 of 2022**

Arising Out of PS. Case No.-185 Year-2021 Thana- BABUBARHI District- Madhubani

AVINASH KUMAR Son of Sachchidanand Tiwari Resident of Village - Pirhi,
P.S.- Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kripa Nand Jha, Advocate
For the State	:	Mr. Ravindra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 19-09-2022 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 Section 420 of the
Indian Penal Code and Section 7 of the Essential Commodities
Act and Sections 7, 3 and 5 of Fertilizer (Control) Order, 1985.

The informant alleges that a team was constituted
under Sub-Divisional Agricultural Officer to raid the shop
namely, New Ram Fertilizer Store, accordingly on 07.08.2021
the shop was raided and the proprietor of the alleged shop was
found selling the fertilizer at Rs. 1250 per bag instead of Rs.
1200.

Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it has been specifically pleaded at paragraph '9' that petitioner sold fertilizer bag to one Manoj Kumar at Rs. 1200 per bag and also issued receipt as would be evident from Annexure '3' to the anticipatory bail application, it is next submitted that Manoj Kumar, on whose allegation the shop of the petitioner was raided, was not even investigated by the police nor his statement has been recorded till date.

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 Babubarahi P.S. Case No. 185 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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