

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18290 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- MAHARAJGANJ District- Siwan

Satish Kumar Singh S/o Late Ragho Prasad R/o village- Belawan, P.S.- Kaler,
District- Arwal, at present posted as Block Agriculture Officer, Maharajganj,
P.S.- Maharajaganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Maharajganj
P.S. Case No. 213 of 2021, registered for the offences
punishable under Section 420/120(B) of the Indian Penal Code
and section 7 of the Essential Commodities Act.

As per the prosecution case, petitioner in connivance
with other accused persons committed black-marketing of
fertilizers. Further alleged that in spite of several directions, the
informant did not lodge the FIR.

It is submitted that petitioner is innocent and has
committed no offence. Allegation levelled against this petitioner
is false. As a matter of fact, petitioner on the direction of Sub-
Divisional Magistrate inspected and found the fertilizer stored in



a portion of Vyapar Mandal on 25.12.2020 and thereafter, submitted inspection report to the SDM, Maharajganj on 26.12.2020 stating therein that Vyapar Mandal was inspected on 25.12.2020 and first of all the key was collected from the police station and thereafter, in presence of Block Co-operative Extention Officer, Chowkidar in presence of Chairman of Vyapar Mandal the premises was opened and 1214 bags of Urea was found stored. On inquiry the Chairam Vyapar Mandal stated that he is not concerned with the said fertilizer rather the same has been stored by the Proprietor of M/s Prince Fertilizer, Maharajganj for that a tenancy agreement has been entered in between the parties and the rent has been deposited in the account of Samiti. The owner of Prince Fertilizer also claimed the said fertilizer and submitted a report stating therein that there was an agreement for temporary storage of fertilizer in between the Chairman of Vyapar Mandal and owner of Prince Fertilizer and prior information was also given to District Agriculture Officer who is competent authority. Thereafter, the fertilizer was duly accounted and loaded on e-POS machine of M/s Prince Fertilizer and report was sent to the SDM, Maharajganj. Thereafter, fertilizer stored in Vyapar Mandal was handed over to M/s Prince Fertilizer in terms of letter dated



13.01.2021 vide letter no. 62 by the District Agriculture Officer, Siwan. Moreover, the occurrence is of 17.12.2020, but the FIR was lodged on 26.08.2021 after lapse of eight months without explanation. It is further submitted that from persual of letter dated 13.01.2021 issued by the District Agriculture Officer Siwan, it appears that there is no violation of any provisions of Fertilizer Control Order, because the fertilizer was handed over to its owner M/s Prince Fertilizer. Petitioner claims clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Siwan in connection with Maharajganj P.S. Case No. 213 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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