

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33645 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SURESH PASWAN Son of Jagdish Paswan Fertilizer Proprietor of M/s. Kishan Seva Kendra, Motipur, Resident of Village- Chakki Rasulaganj, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 12-05-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest for the offences alleged under Sections 7(1) (a) and (i) of the Essential Commodities Act, registered in connection with Motipur P.S.Case No. 210 of 2020.

As per allegation, the petitioner being the licence holder, by ignoring the circular of the Government of India No.18-08/2020-FM, sold a huge quantity of urea of 150 bags to one Nirmala Devi. In the inquiry, it was detected that Nirmala Devi had only five acres of agricultural land and ten bags of urea were enough to fertilize that field. The FIR itself shows that said Nirmala Devi herself apprised the inquiry team that



she was in need of ten bags of urea only and rest she sold to her co-villagers.

The learned counsel for the petitioner has submitted that the licence of the petitioner has been suspended.

On the other hand, the learned APP Mr. Shailendra Kumar has submitted that the FIR shows that the petitioner, in connivance with the co-accused, sold 150 bags of urea to her, ignoring the circular of the Government of India and Nirmala Devi herself stated before the inquiry committee that she sold rest of the urea to her co-villagers. The learned APP has also submitted that the investigation is still going on.

In the above facts and circumstances, it is not a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the petitioner is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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