

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34380 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Md Naimul Haque @ Naimul Haque, S/o Animul @ Md. Animul Haque
Resident of Village- Betalbari, P.S.- Bilashpur, District- Uttar Dinajpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Dr. Bidhu Ranjan, Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The case is register under Section 7 of the Essential
Commodities Act in connection with K. Hat (Maranga) P.S.
Case No.416 of 2021.

The prosecution case, in short, is that on 21.05.2021
Sub-Divisional Officer, directed the informant to verify the
information with regard to transportation of urea fertilizer
loaded on a truck which was detained by the patrolling party at
National Highway 31 near Tall Tax Plaza. The informant
reached there at 06.45 AM and in presence of raiding team, the
truck was surrounded where several persons were present and



then the informant saw some persons inside the cabin of the truck and on being asked from them, they disclosed their name as Naimul Haqaue, the driver and another Umar Farooque Khalashi both residents of West Bengal and also informed the informant that they loaded sacs with urea fertilizer which was brought from Vishal Agrawal and they could not produce any valid documents and further they disclosed that the truck owner is Naimul Haque and his nephew Rahul Haque loaded the same and told him get it delivered. Thereafter, in presence of the independent witness the truck was searched and plastic covered 711 bags of urea fertilizer each containing 45 Kgs. was recovered and thereafter the documents of the truck was found inside the cabin and from his pocket mobiles were recovered. Allegation is of indulging in black-marketing of urea fertilizer and on this allegation the present First Information Report has been lodged.

Learned Senior counsel for the petitioner submits that without going to the merit of the case the petitioner on his own wants to make payment of Rs.50,000/- through Demand Draft issued by the local State Bank of India Branch in the name of Block Agriculture Officer, Purnea (East). So far as the case in hand is concerned, it is his submission that he is neither a truck



driver nor the cleaner and merely because he is the owner of the truck he has been implicated in this case for which he is in custody since 10.05.2022 (as stated in para-11 of the bail application). It is his further submission that the petitioner do not have any criminal antecedent.

Taking into account the aforesaid fact that he is a owner of the truck, has no criminal antecedent and he is in custody since 10.05.2022, this Court is inclined to grant privilege of bail subject to payment of Rs.50,000/- through Demand Draft issued by the local State Bank of India Branch in the name of Block Agriculture Officer, Purnea (East).

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with K. Hat (Maranga) P.S. Case No.416 of 2021 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Purnea, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

