

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38018 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- PALASI District- Araria

MD. YUSUF @ MD. YOUSUF SON OF LATE AINUL HAQUE R/O
VILLAGE- BALUA, JAGIR, JHALA, P.S.- TERHAGACHH, DISTRICT-
KISHANGANJ, STATE- BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Ms. Preety Kunwar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2022 Heard learned senior counsel for the petitioner Sri
N.K Agrawal and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 7 of Fertilizer Control Order and Section 7(i)(a)(ii) of Fertilizer Act and Section 7 of the Essential Commodities Act.

Learned senior counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that on 21.01.2022 he along with other Official inspected the warehouse of the petitioner and there 3,000 stored bags of fertilizers were found, it is next alleged that retail fertilizer license of the petitioner was cancelled about a year ago, thus it appears that petitioner is illegally storing and black marketing



fertilizer which is illegal.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner was a licensee and his license was cancelled by order dated 23.08.2021 against which he had preferred an appeal before the Joint Director, Agriculture, Purnea Range, it is further submitted that since petitioner had a license and when it came to be terminated by that time he already had stocked in his warehouse which he had kept. It is also submitted that subsequently the orders cancelling the license was set side by order dated 06.05.2022 when in the meantime the present F.I.R. came to be instituted.

Learned senior counsel next submits that the informant was aware that an appeal was pending before the competent authority and the fertilizer found in the warehouse were in pursuance of the license which he had and had not sold rather had kept it in the warehouse itself, but still the present was instituted.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Palasi P.S. Case No. 26 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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