

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40262 of 2022**

Arising Out of PS. Case No.-271 Year-2022 Thana- FORBESGANJ District- Araria

HARISH KUMAR @ HARISH THAKUR Son of Rajendra Prasad Thakur @
Raju Thakur Resident of Village - Rahikpur Thila Mohan, P.S.- Simraha,
District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durga Nand Jha, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 7 of
E.C.Act and Sections 7(i)(a)(ii) of Fertilizer Control Order.

The prosecution case, in short, is that the informant
having got information about illegal stocking of Urea fertilizers
in 30 sacks recovered by police from the house of petitioner
which was brought at police station for which the petitioner has
not produced any valid paper and true account for the seized
fertilizers to have been kept for sell in black marketing in
collusion and connivance with the fertilizers licensee dealer.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that in fact the petitioner is neither a dealer of Public Distribution System nor the agent of P.D.S. dealer nor he can be held guilty for contravention of any provisions of the E.C.Act. In fact the petitioner is a farmer and all the seized articles belonged to the petitioner.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Forbesganj (Simraha) Case No. 271 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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