

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57134 of 2021

Arising Out of PS. Case No.-588 Year-2020 Thana- SARAIYA District- Muzaffarpur

MUNNA KUMAR S/o- Rajdeo Sah @ Raj Deb Sah Resident of Village-
Basra Kazi, Saraiya, P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Preety Kunwar, Advocate
For the Opposite Party/s :		Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in Saraiya (Jaitpur
O.P.) P.S. Case No. 588 of 2020 registered under Section 7(1)(a)(i)
of the E.C. Act.

Allegedly, the petitioner being retail fertilizer licensee dealer,
sold 34.33 M.T. urea fertilizer to one Abhishek Kumar for the
purpose of black marketing, amounting to violation of Fertilizer
Control Order.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has been made accused in the present case due to mistake of fact. The



petitioner happens to be authorized dealer of fertilizer. 34.33 M.T. of urea is said to have been sold by the petitioner. There has been no violation of Control Order. It is further submitted that the petitioner is ready to deposit an amount of Rs. 50,000/- in the court below which shall be subject to final outcome of the case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 50,000/- in the court below which shall be subject to final outcome of the case. On doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, West, Muzaffarpur in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 588 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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