

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60321 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- AGRER District- Rohtas

Sidhnath Sah S/O Late Laxman Sah R/O Village-Mokar, P.S-Agrer, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act, 1955.

It is a case of recovery of about 289 bags of fertilizes from a shop.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He further submits that entire allegation has been based on the statement of two ladies, namely, Dipika Kumari and Jubaida Khatoon, who refused to get purchase the fertilizers, except this, there is no material against the petitioner to show the violation of any terms and conditions of authorization granted to the



petitioner under E.C. Act. He further submits that it is well settled principle of law that licensee/authorization of retail dealer of cement cannot be prosecuted in a criminal case of 7 E.C. Act unless and until the show cause of explanation is called upon from him whether he has committed gross malpractices and violated the very terms and conditions of his licence. Petitioner has got clean antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid submissions, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 SDJM, Rohtas (Sasaram) in connection with Agrer P.S. Case No. 02 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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