

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62922 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- ASARGANJ District- Munger

Anil Sah Son of Late Jamun Sah Resident of Village/ Muhalla- Makwa, P.S.-
Asarganj, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 27-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

Perusal of order sheet shows that on the last date of
hearing, the learned Senior Counsel appearing on behalf of the
petitioner sought time of two weeks for placing certain
documents on record for proper adjudication of the bail
application. However, the learned Counsel, Mr. Sanjiv Kumar
Singh appearing on behalf of the petitioner now submits that all
the documents are on record along with F.I.R. and the learned
Senior Counsel has perhaps mistakenly submitted before this
Court that certain documents were required to be filed. As such,
the matter is being taken up for hearing on the basis of



submission of the learned counsel for the petitioner.

In the present case, the petitioner seeks bail in connection with Asarganj P.S. Case No. 79 of 2020 registered for the alleged offences under Sections 419, 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

Allegedly the petitioner and other co-accused persons misappropriated 1560 bags of fertilizer and there has been variation in the stock entry in register regarding the fertilizer supplied to the petitioner and sale made by him.

The learned counsel for the petitioner submits that no offence under Sections 419 and 420 of the I.P.C. are made out against the petitioner and only offence attracted in this case is under Section 7 of the Essential Commodities Act. Learned counsel further submits that there is no witness to the seizure list and there is no material to support the case against the petitioner who is in custody since 23.07.2021 whereas the maximum punishment under Section 7 of the Essential Commodities Act is one year only.

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

Having regard to the submissions made hereinabove and considering the nature of allegation and the detention period



of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Munger in connection with Asarganj P.S. Case No. 79 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every day fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/Diwakar

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