

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66471 of 2021

Arising Out of PS. Case No.-215 Year-2021 Thana- KOTWA District- East Champaran

Md. Moin @ Md. Moim @ Mahamad Moin @ Mahamad Moim Son of Md. Rashid @ Rasid Miyan Resident of Village - and P.O.- Kotwa, P.S.- Kotwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-11-2022 Heard learned counsel for the petitioner and learned counsel for the State.

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

As per the prosecution case, petitioner was selling fertilizers without having valid license and 45 bags of fertilizer were seized from his shop.

It is submitted that said fertilizer was kept for his own use outside his shop. Petitioner is neither licensee of selling fertilizer nor involved in selling of fertilizer, hence, section 3 of the Essential Commodities Act is not attracted against him. Petitioner claims clean antecedent.



Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 215 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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