

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68378 of 2021

Arising Out of PS. Case No.-126 Year-2021 Thana- NAGARNAUSA District- Nalanda

MOHAN KUMAR Son of Niranjan Prasad Resident of Village- Bishunpur,
P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Nagarnausa P.S. Case No.
126 of 2021 registered for the offence punishable
under Section 7 of the Essential Commodities Act.

The allegation levelled by the informant is
that upon a raid conducted at the house / godown
of the informant, 517 bags of fertilizer products
were recovered from the house of the petitioner,
which in fact, should have been kept at the shop of
the petitioner, resulting in breach of Fertilizer
(Control) Order, 1955.



The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is a valid license holder of fertiliser products and owns a shop in the name and style of M/s Suprati Data Khad Bhandar, Bishunpur, Nagarnausa. It is also submitted that the petitioner being a valid license holder of fertilizer products would not ever think of engaging in selling the fertilizer products in black market and in fact, allegation of blackmarketing has also not been levelled against the petitioner. It is thus submitted that only for the reason that the fertilizer bags were found at the house of the petitioner instead of his shop / godown, the petitioner has been falsely implicated in the present case for oblique reasons.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by



the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner is a valid license holder of fertilizer products, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Nagarnausa P.S. Case No. 126 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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