

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70144 of 2021**

Arising Out of PS. Case No.-422 Year-2021 Thana- DAUDNAGAR District- Aurangabad

SURENDRA SAO S/O DUKHDEVAN SAO R/o village- Arai Tole Umer
Bigha, P.S.- Daudnagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

A supplementary affidavit has been filed on behalf of
the petitioner which is kept on record.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 3(3)/4/5
and 35 of the Fertilizer Control Order, 1985 and 7 of the
Essential Commodity Act.

It is a case of illegal storage of fertilizer without
getting licenced.

It is submitted by learned counsel for the petitioner
that the petitioner has falsely been implicated in this case. He
further submits that the petitioner used to cultivating the land for
several farmers and they have given there affidavit on oath



before the court below vide Annexure-2 to the petition. Vide Annexure-3 of the supplementary affidavit, it is submitted that he has purchased 65 bags of various kind of fertilizer from the retail outlet of BISCOMAN and at the relevant time, paddy was being cultivated in the agriculture field and during that course, fertilizer is being used in the mud for cultivation, as such, the same was purchased by the petitioner for personal agriculture use. Petitioner has got clean antecedent.

Learned APP appearing for the State opposed the 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, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 422 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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