

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59843 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MALI District- Aurangabad

RAKESH KUMAR SINGH S/O SARAYU SINGH Resident of village- Mali
Chauk, Mali P.S.- Mali, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 3(3), 4, 5
of Fertilizer (Control) order, 1985 and Sections 7(1)(a)(ii) of the
Essential Commodities Act.

According to prosecution case, on -6.08.2022 an
inspection was conducted at the business premises of M/s Maa
Durga Enterprises, registered dealer in fertilizer, by the
Fertilizer Inspector along with other officials. The informant,
Fertilizer Inspector, alleges that on inspection of the fertilizer
business premises, it was found that the sell of fertilizer is being



done without availability of POS machine, which is the violation of Fertilizer (Control) Order 1985. Stock register and availability of fertilizer on the display board was also not found during inspection. Rakesh Kumar Singh (husband of Renu Devi, proprietor of Maa Durga Enterprises) was present at the business premises who was not authorised to sell the fertilizer.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that wife of the petitioner is authorized seller of fertilizer since, 2021 and there is no complain against her. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no case is made out against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Mali P.S. Case No. 76 of 2022,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

