

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14950 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- DHAMDAHA District- Purnia

AMITABH KUMAR S/o Murlidhar Jaiswal R/o village- Kushaha Milik, P.O. Jabe, PS- Bhawanipur, Distt- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Bhanu Roy, Adv.
For the State : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Dhamdaha Police Station Case No. 303 of 2022 dated 21.10.2022, disclosing offences under Sections 7 of Fertilizer Control Order, 1985 and Section 7(I)(A)(II) of Essential Commodities Act and Section 420 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that the on 19.10.2022, the SHO, Dhamdaha, Purnia intercepted a truck and recovered 600 bags of Phosphate Rich Organic Manure and upon verification of documents and the statement of truck driver, it would be evident that 320 bags of manure were to be supplied to Himanshu



Enterprises, owned by the petitioner and 280 bags were to be supplied to one Gourang Enterprises, West Bengal.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged, inasmuch as earlier no license was required for trade in organic manure though subsequently by amendment in the Fertilizer Control Order it has been included in the category of fertilizers for which the trade license is necessary. Learned counsel next submits that the petitioner is a commerce graduate and presently, he is pursuing Diploma in Agriculture Science and he is a farmer also. Since the manure is of very good quality and helps in yielding crop of high variety, the petitioner, being a farmer, along with other villagers decided to purchase the manure for their own use and not for selling. It is further submitted that Himanshu Enterprises does not deal in fertilizer products and that 380 bags of manure has been seized and released in favour of the manure factory.

Petitioner has got no criminal antecedents.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the manure has not been recovered from the possession of the petitioner or from his shop i.e. Himanshu Enterprise and the



petitioner claims to have bought manure along with villagers for his own use, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnia, in connection with Dhamdaha Police Station Case No. 303 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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