

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29644 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- PURNEA SADAR District- Purnia

BISHWANATH AGRAWAL Son of Late Satya Narayan Agarwal R/o
Gulabbagh PS- Gulabbagh Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Agarwal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. Petitioner apprehends arrest in connection with
Purnia Sadar P.S. Case No. 42 of 2022 registered for the
offences under Sections 409, 419 and 420 of the Indian Penal
Code and Section 7(1) (a) (ii) & 9(ii) of the Essential
Commodities Act and Section 35 (1) (a) & 35 (1) (b) of the
Fertilizers Act, 1955.

3. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
instant case. Further submission is that the petitioner's
proprietary concern's certificate of registration / license is valid
till 30.03.2025 as contained in Annexure-2 of the petition.
Further on dated 13.01.2022 the petitioner *vide* his
representation (Annexure-3) to the Sub-Divisional Agriculture
Officer, Purnea gave clarification and requested for retest of the



'referee' but the same was ignored and the FIR was lodged. The petitioner had applied for the endorsement of the fertilizer in question in the license of the petitioner *vide* Form-O dated 01.12.2021 (Annexure-4) which is also endorsed by the Department as annexed at Annexure-5. It is also submitted that the Joint Director, Agriculture after observation of the petitioner's representation dated 27.01.2022 (Annexure 6) *vide* its Memo No. 535 dated 26.04.2022 (Annexure 6/A) held that the petitioner is not liable for the alleged fertilizer.

4. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the petitioner, above named is directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Purnea in connection with Purnia Sadar P.S. Case No. 42 of 2022, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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