

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34765 of 2023

Arising Out of PS. Case No.-157 Year-2021 Thana- PATAHI District- East Champaran

RUCHI DEVI, Wife of Kaushal Kishor Pandey, Resident of village -
Pachgachhiya, P.S. - Patahi, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

2. The petitioner is apprehending her arrest in
connection with Patahi P.S. Case No. 157 of 2021 registered for
offence under Sections 28(1)(a) and 7 of the Fertilizer Control
Order Act and Section 7(1)(a)(i) of the Essential Commodities
Act.

3. The prosecution case is that petitioner, wife of the
licensee of the fertilizer shop, purchased 50 bags Urea and
distributed the same to the farmers.

4. It is submitted by learned counsel for the petitioner
that the petitioner has falsely been implicated in this case. She
has not committed any offence as she is not bound by the
control orders, as she is not the licensee. It is further submitted



that in fact, Urea was distributed amongst consumers attached with the fair price shop of the husband of the petitioner and there has never been complaint about non-supply/distribution of fertilizer from the side of any of his consumers. Petitioner has got clean antecedents. Co-accused has been allowed anticipatory bail in *Cr. Misc. No. 63464 of 2021*.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, clean antecedents of the petitioner and claim based on parity, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, 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 the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Patahi P.S. Case No. 157 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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