

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35350 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- PURNEA SADAR District- Purnia

SANJAY YADAV Son of Late Basudev Khirhari Proprietor of M/s Laxmi Plywood Industries, Belori, P.S. - Sadar (Muffasil), Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
		Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 7 E.C. Act and 7/7 (i) (a) (ii) of Fertilizer Control Act 1985.

3. The prosecution story, in short, is that on 10.01.2023, at about 2 P.M., informant along with other officials made raid in the premises of M/s Laxmi Plywood Industries and found 100 bags of illegal urea. The said urea had to supply to the farmers on subsidiary rate. Petitioner is the proprietor of M/s Laxmi Plywood Industries.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and



based on concocted facts. Petitioner is neither the license holder of fertilizer nor he deals the business of fertilizer as such there is no question of violation of Fertilizer Control Act. He has no concern with the seized fertilizer. He further submits that the farmers stated in their affidavit that they had kept the urea bags in the shop of petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that petitioner is the proprietor of M/s Laxmi Plywood Industries from where 100 bags of urea has been found and he was unable to produce any relevant paper regarding the seized fertilizer.

6. Considering the facts and circumstances of case as well as nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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