

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36310 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- BAISI District- Purnia

Farhat Banu W/o Late Zillur Rahman R/o Village Sarsar, P.O. Dalkhola PS.
Karandighhi, Dist. Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Ram Prawesh Kumar, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends her arrest in connection with Baisi P.S. Case No. 383 of 2022 registered for the offence punishable under Section 3 of the Fertilizer (control) order 1985 and Section 7 of the Essential Commodities Act.

3. On getting secret information about the transportation of illegal fertilizers, the informant, who happens to be Sub-Divisional Agriculture Officer, Baisi, Purnea, conducted a raid and seized two trucks loaded with DAP fertilizer. The petitioner is said to be the owner of a truck bearing registration no. WB59A-5468 in which 590 bags containing 50 Kg. fertilizer in each bag were recovered.

4. Learned counsel for the petitioner submits that the



petitioner is a lady. Though, the truck is registered in the name of the petitioner but the same was plying by the driver for transportation of the consignment and she had no knowledge as to what was being loaded by the driver. He further submits that even during the course of investigation, it has come that the driver has loaded the DAP fertilizer on the basis of valid invoice number and the consignment was legally sold by M/s Bhawna Distributors to Rahman Fertilizers, Purnea, who is a dealer having valid licence. He next submits that there is no other material suggesting the involvement of the petitioner in the present crime, apart from the fact that the petitioner is not a PDS Dealer, thus, no offence under Section 7 of the E.C. Act is made out against her.

5. On the other hand, learned counsel for the State opposes the application for grant of pre-arrest bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a lady and even as per the allegation, no case under the E.C. Act is made against her, coupled with her fair antecedent, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, 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, Purnea in connection with Baisi P.S. Case No. 383 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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