

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38916 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- PATAHI District- East Champaran

NAVEEN KUMAR MISHRA S/O NARMDESHWAR MISHRA @
NARMADESHWAR MISHRA R/O Village- Dumari Baiju, P.S- Patahi,
Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Patahi Police Station Case No. 03 of 2023, dated 05.01.2023, disclosing offences punishable under Section 3(3) of the Fertilizer Control Act and Sections 7 (I) (a)/(11) of the Essential Commodities Act.

The prosecution case, as per the First Information Report lodged by the Agricultural Co-ordinator -cum- Fertilizer Inspector, is that the petitioner, who is the proprietor of Navin Khad Beej Bhandar, was selling fertilizer to the farmers at the rate of Rs. 500-550/-; whereas the fixed price of the fertilizer was only Rs. 266/-, and was also misbehaving with the farmers.



It has further been alleged that when the informant reached the shop of the petitioner for enquiring into the complaints made by several farmers, he found the shop of the petitioner closed.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. He further submit that the petitioner has got no criminal antecedent and he never misbehaved and/or sold the fertilizer at the higher cost than the fixed price of the same to any farmer.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner was selling fertilizer at a higher rate than the fixed price to the farmers without informing them about the fixed price of the same, the shop of the petitioner was found closed on the date of verification made by the informant and the hapless and helpless farmers had to pay excess price for the fertilizer, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the learned District Court within a period of four weeks from today and prays for regular bail, the learned District Court shall



consider the same on its own merits without being prejudiced by the present order of rejection of anticipatory bail application of the petitioner.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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