

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59831 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- FULKAHA District- Araria

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HARINANDAN GUPTA Son of Late Sukdeo Sah Resident of village -
Basmatiya, P.S.- Basmatiya, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Rajdeep

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under Section 7 of Essential
Commodities Act, 1955.

Prosecution case relates to recovery of 110 bags
each containing 45 kg. of fertilizer from loaded on a pick-up van
for blackmarketing, which belongs to the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. Petitioner is a
bonafide retail license holder of fertilizer i.e. M/S Harinandan
Traders situated at Basmatiya market bearing License No.
02/2008-2008/09. The name of the petitioner came into light in



this case on the basis of confessional statement of the driver, which has got no evidentiary value in the eye of law. He is languishing in judicial custody since 17.08.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned SDJM, Araria in connection with Fulkaha P.S. Case No. 95 of 2022.

(Sunil Kumar Panwar, J)

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