

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69859 of 2022**

Arising Out of PS. Case No.-19 Year-2022 Thana- SUGAULI District- East Champaran

ABDUL SATTAR @ S K ABDUL SATTAR Son of Sekh Quran Sah Resident
of Village - Bagahi, P.S.- Sugauli, District - East Champaran (Motihari). At
present Bagahi Packs President

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 16-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Sugauli P.S. Case No. 19 of 2022, registered for
the offence punishable under Section 414, 420 of the Indian
Penal Code, Section 3(3) of the Fertilizer Control Act, 1985 and
Sections 7(I)(a)(II)(e)(c) of the Act.

The allegation, according to the complainant, who is the
Block Agriculture Office Piprakothi-cum-Fertilizer Inspector
Sugauli is that on 6.1.2022 at about 1:00 in the night, two
tractors cum trailers had exited the PACS godown carrying 130
bags of IFFCO Urea, weighing 50 kgs each, 2 kg. Zinc and 2
kg. Sagrika, which were apprehended and the articles were



handed over to the police station in question. It is also alleged that upon inspection of the godown of the petitioner, who is a PDS licensee and PACS Chairman, discrepancy of 31 bags of IFFCO Urea was found.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 14 of the present petition that the aforesaid tractors / trailers do not belong to the petitioner and moreover, it is a fact that after filing of the present bail petition, the PDS license of the petitioner has stood cancelled and the seized fertilizer has been auctioned, hence, the petitioner has already been suitably punished.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner has already been suitably punished on account of cancellation of his PDS license and auctioning of the seized fertilizer, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran in connection with Sugauli P.S.Case No. 19 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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