

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65796 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

PAPPU KUMAR MANDAL Son of Kailash Mandal Resident of Akbarnagar,
Police Station-Akbarnagar, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 380 of the IPC, Section
35(2) of the F.C.O. Act and Section 7(1)(a)(i) of the E.C. Act.

3. As per prosecution case, petitioner is the Proprietor
of M/s Santosh Enterprises and on 22.11.2022, the then Sub
Divisional Agricultural Officer of Bhagalpur and Kahalgaon
inspected 2 godown, jointly of M/s Santosh Enterprises and
sealed the seized the same with the help of police forces, both
godown in which seeds and fertilized was stored in an
unauthorized way. It is further alleged on 26.11.2022, article
seized from both godown was handed over to Sri Anuj Dev
Kumar of Akbarnagar and Supurdnama is attached, but while,



lifting the fertilizer and seeds kept in the Enterprises was not found in the shop on 26.11.2022, as such case was instituted against the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is Income Tax Assessee and G.S.T. payee. He submitted that on the technical ground because of not maintaining books of account, the certificate of Registration was issued but it was not renewed up to date and after lapse of renewal of the certificate of registration the petitioner was dealing in the fertilizers and seeds, and due to ill motive of the informant and on the instance of his enemies, the petitioner has been made falsely accused in this case. From the perusal of the FIR, it appears that at the time of inspection the petitioner was not present at his shop and the proceeding has been done behind the petitioner and no show cause notice has been issued to the petitioner prior to lodging the FIR. There is no cogent evidence has come to show that the petitioner sold the fertilizers or seed in black marketing, which was stored in the godown. He further that the shop of the petitioner was inspected by the authority on 22.11.2022 and case was instituted on 26.11.2022 i.e., after four days without any plausible



explanation as to why case was instituted after delay of four days. He is languishing in judicial custody since 17.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 S.D.J.M., Bhagalpur in connection with Akbarnagar P.S. Case No. 102 of 2022.

(Sunil Kumar Panwar, J)

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