

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68260 of 2022**

Arising Out of PS. Case No.-205 Year-2022 Thana- KAMTAUL District- Darbhanga

HEMANT KUMAR THAKUR Son of Krishna Chandra Thakur Resident of
Ward No. 1, Kamtaul, P.O and P.S- Kamtaul, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Arvind Kumar, Adv. Mr. Kumar Rajdeep, Adv
For the Opposite Party/s :		Mr.Parmeshwar Mehta, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 25-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 7 (1)(a)(11) and 3(2)c of the Essential Commodities Act, 1955.

The prosecution story in short is that on secret information, the sub-Divisional Agriculture Officer-cum-Fertilizer Test Inspector made a raid in the house of one Mukesh Kumar Chaudhary where he found the room locked. The matter was informed to police and the police enquired the matter then the house owner told that he has given the house to the petitioner on rent. It is further alleged that on 21.08.2022, the room was opened, where 393 bags of fertiliser were found



and the same were seized.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. As per seizure list, it is evident that 393 bags of fertilizer were recovered from the house of Mukesh Kumar Chaudhary. Petitioner has no concern either with the seized fertilizer or the place of recovery. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case due to ulterior motive. He further submits that the room in question was not taken by the petitioner on lease as alleged in the FIR. The lease deed bears no signature of any witnesses which itself creates doubt. It is further submitted by learned senior counsel that the fertilizer licence of the petitioner was cancelled by the District Agriculture Officer, Darbhanga vide order dated 04.12.2021 and the appeal preferred by the petitioner was also dismissed on 02.08.2022. After the cancellation of petitioner's fertilizer licence, petitioner has not been involved any business of fertilizer. He was not apprehended on the spot. His name has been transpired in this case due to the statement of the



apprehended person Mukesh Kumar Chaudhary. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is no recovery from the conscious physical possession and house of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kamtaul P.S. Case No. 205 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C

(Anjani Kumar Sharan, J)

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