

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71233 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- BELA District- Sitamarhi

Jay Kishore Rai Son of Late Ram Nigar Rai Resident of village - Banjarahi,
Bela Bathuara, P.S. - Bela, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 21-04-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in connection
with Bela P.S. Case No. 214 of 2022 registered for the offences
punishable under Sections 7 of E.C. Act and Fertilizer (Control)
Order 7.

The accused/petitioner is named in F.I.R.

The allegation against this petitioner is to involve in



black marketing of fertilizer made of urea and further it is alleged to smuggle said fertilizers to Nepal.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not apprehended on spot and his name surfaced on the basis of disclosure made by co-accused, namely, Nayeem Nadaf, who apprehended on spot alongwith five bags of urea made fertilizer. It is pointed out that save and except disclosure of co-accused Nayeem Nadaf, no incriminating material recovered/surfaced during the course of investigation till now, which may connect petitioner, *prima facie*, with present allegations. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as except disclosure of co-accused Nayeem Nadif, nothing surfaced against this petitioner, as per F.I.R., the above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi/concerned Court, where the case is pending in connection with Bela P.S.



Case No. 214 of 2022, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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