

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3673 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- BAISI District- Purnia

RAJIUDDIN Son of Ajimuddin R/o village - Kadwa, P.S.- Kadwa, District -
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.10.2022 in connection with Baisi P.S. Case No. 401 of 2022,
F.I.R. dated 14.10.2022 for the offences punishable under
Sections 6/7 of Fertilizer Control Order, 1985 and Section 7 of
Essential Commodities Act.

According to prosecution case, in brief, is that the
informant stating therein that on 13.10.2022 at 10.56 in the
night he received information from police officer that one
tractor loaded with illegal fertilizer has been apprehended at
Baisi More. At 11.15 in the night the informant reached Baisi
More and inquired from driver Kaisar Alam and asistant
Rajiuddin who were caught with the tractor. Both did not



produced any document regarding the fertilizer nor gave any satisfactory reply. On 14.10.2022 at 9.30 a.m. the tractor was brought to police station and it was found that credit receipt of five farmer on which 36 bora (sack) was return. But in the tractor which was without registration number fertilizer of different company in large quantity was found. Approximately 94 bags each containing 50 kg. fertilizer of different brands was found in the tractor. It was found that the driver Kaisar Alam and owner Rajiuddin were found involved in black marketing fertilizer.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that petitioner was not apprehended at the spot and he has not committed any wrong as alleged in the F.I.R. and no case is made out under the Essential Commodities Act. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances,



petitioner was not apprehended at the spot and petitioner is neither the owner nor the driver of the vehicle in question, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Purnea in connection with Baisi P.S. Case No. 401 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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