

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73310 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- JADIA District- Supaul

NITESH KUMAR S/o Yog Narayan Choudhary R/o- Hirapatti, Ward No. 8,
P.S.- Jadia, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ragila Ahsan, Sr. Adv. Mr.Nafisuzzoha, Adv.
For the Opposite Party/s	:	Mr.H. A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 7 of the Essential Commodities Act, 1955.

The allegation against the petitioner is of black marketing of fertilizer.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case only on suspicion. The said complain is not supported by any villager and only on the basis of complaint filed by the Mukhiya, the present F.I.R. was lodged against the petitioner. In para-16 of the application, it is stated that as a matter of fact, the informant has shown that



instead of 174 bag 220 bag, N.K.P. of IFFCO, in POS machine 236 bags of DAP of IFFCO is entered but only 120 bag DAP has been shown which were kept in Kirshak Seva Kendra Shop but with malafide intention, it is mentioned that the fertilizer bags were found in the shop of the petitioner. Petitioner is the license holder of the said shop. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against 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 the learned court below where the case is pending/Successor Court in connection with Jadia P.S. Case No.196 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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