

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.549 of 2023

Arising Out of PS. Case No.-748 Year-2022 Thana- SUPAUL District- Supaul

RAJ KUMAR SAH Son of Ram Chandra Sah Resident of Village- Bairo,
P.O.- Bairo, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Allegedly, fertilizer was being sold by the dealer at a
higher price as fixed by the government.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken
place. The petitioner is engaged in the business of sale of
fertilizer and has got valid license of his shop. It is submitted
that petitioner is made accused in this case on the basis of the
complaint filed by the farmers that the petitioner sold fertilizers



on high price. He further submits that later on, the complainant and farmers have filed an affidavit stating therein that he has not filed any complaint against the petitioner.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner to sell fertilizers at higher rate as fixed by Government.

Having regard to the facts and circumstances of the case, considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and seek regular bail, learned court below is directed to pass order on the same day, without being prejudiced of dismissal of this application.

(Anjani Kumar Sharan, J)

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