

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80925 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- KASBA District- Purnia

RAJ KUMAR MODI SON OF LATE BISHWNATH PRASAD MODI
RESIDENT OF WARD NO. 27, DHARAMSHALA ROAD, P.S.
KISHANGANJ, DISTRICT KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Tiwary, Adv.
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 7 E.C. Act.

3. Allegedly, DAP (50kg) total 100 bags and SSP (50kg)
total 100 bags fertilizers were recovered during checking of the
seized tractor and it appears that the fertilizer loaded on the
tractor is illegal.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged has ever taken place. He has
been falsely implicated in this case due to ulterior motive. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. He is not named in the FIR. He



has been made accused in the present case merely because he is registered dealer of the seized fertilizer. The seized fertilizer is not illegal as the petitioner has proper invoice with him which is also annexed as Annexure-2/1 to this petition. Petitioner is license holder of the fertilizer distribution shop and his licence has not been suspended yet. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of the case as well as the argument of the parties, 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 Kasba P.S. Case No. 196 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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