

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7376 of 2024

Arising Out of PS. Case No.-537 Year-2023 Thana- BIHPUR District- Bhagalpur

Subhankar Thakur S/O Late Bedanand Thakur Resident of Village + Post -
Gowripur, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyama Nand Thakur, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bihpur P.S. Case No. 537 of 2023, registered on 29.08.2023 for the offences under Section 7 of the Essential Commodities Act.

3. As per prosecution case, recovery of 138 bags of urea fertilizer was made from the house of the petitioner and informant showed his suspicion that the petitioner indulged in black marketing of urea in contravention of the provisions of Essential Commodities Act.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The petitioner is a farmer and he has been cultivating 10 acres of banana crop for which 138 bags of urea was procured by him with the help of other farmers and documents of their possession of land holding have been annexed with the present petition. Learned counsel further submits that there is no independent witness to the occurrence and moreover, there could be no application of Essential Commodities Act against the petitioner who is also having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery of 138 bags of urea was made from the house of the petitioner which shows that he has been indulging in black marketing.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and explanation for the same and further considering the possibility of false implication in the aforesaid background, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st S.D.J.M., Naugachia, Bhagalpur/concerned court in connection



with Bihpur P.S. Case No. 537 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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