

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6821 of 2024**

Arising Out of PS. Case No.-151 Year-2012 Thana- RAGHOPUR District-
Supaul

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Ramashray Gupta S/o Sri Ram Kumar Gupta R/o - City Park Colony, P.S. -
Roja, Dist. - Shahjahanpur (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2024 Heard learned Senior Counsel for the petitioner
and learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of Raghopur PS case no. 151 of 2012, disclosing
offences punishable under Sections 7 of Fertilizer Control
Order, 1985 and Section 3 of Fertilizer Movement Order,
1973.

3. As per the First Information Report, the District
Agriculture Officer-cum- Fertilizer Inspector, Supaul alleged
that on 19.12.2012 at around 04:30 P.M., one truck bearing
registration No. UP-51-T-2021 loaded with fertilizer was
intercepted on N.H.-57. After search, total 258 bags of
fertilizers were found in the truck to be delivered to M/s.



Divyanshu Enterprises, Semapur, Katihar from M/S Aakash Fertilizers and Chemicals, Lodhipur, Shahajahanpur and on being asked, the driver of the truck could not produce the license of fertilizer of M/s Akash Fertilizers and Chemicals, Lodhipur, Shahajahanpur.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is not the registered dealer of the fertilizer with the name and style of M/s Aasksh Fertilizers and Chemicals, Lodhipur, Shahajahanpur and, on the contrary, the petitioner happens to be fertilizer dealer of Shahajahanpur, Uttar Pradesh in the name of style of M/s. R.K. Fertilizers, Shahjahanpur registered by the Department of Agriculture, U.P. and authorized to carry on business/trading of fertilizer by the order of competent authority. The petitioner has no business relationship in any manner with the agency in the name and style of M/s Aakash Fertilizers. He further submits that even though, the petitioner is not named in the F.I.R., however, on 16.03.2023 after lapse of 11 years from the date of registration of the F.I.R. i.e. 20.12.2012, one police officer namely, Satyendra Chandra Upadhyay from Raghopur police station arrived at the house of the petitioner and informed



him about the present F.I.R. Before 16.03.2023, the petitioner was never approached by the police at any point of time. The police, merely on the basis of suspicion based on the CDR, which must have been collected in the year 2012-2013, after lapse of 11 years is trying to implicate the petitioner in the present case due to which the petitioner has a reasonable apprehension of his arrest.

5. Learned senior counsel next submits that the co-accused, Brahma Nand Chaudhary, who happens to be the proprietor of the Divyanshu Enterprises, and another co-accused, Shtrughna Pal, have already been granted anticipatory bail vide order dated 29.05.2013 and 18.09.2023 passed in Cr. Misc. No. 20687 of 2013 and Cr. Misc. No. 25177 of 2013, respectively, by co-ordinate Benches of this Court and the case of the petitioner stands on better footing.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the F.I.R. and after lapse of 11 years, the police is approaching the petitioner and also



the fact that two accused persons, who are named in the F.I.R. have been granted the privilege of anticipatory bail by different Benches of this Court, as such, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, 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 learned S.D.J.M., Supaul in connection with Raghopur PS case no. 151 of 2012, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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