

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22159 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- KASBA District- Purnia

Tanveer Alam Son of Manzoor Alam, Proprietor of M/s Dewdha Khad Beej Bhandar Address at P.O. Garhbanaili Dewdha, PS- Kasba, Sub District- Kasba, Distt.-Purnia ,Bihar-854325

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Sinha, Adv.
Mr.Sahil Kumar, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-04-2024 At the request of learned counsel for the petitioner, this case is being heard in Hybrid mode. Learned counsel for the petitioner is present through the virtual mode and learned APP for the State is in physical mode.

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

3. As per the prosecution case, during a surprise inspection of shop of the petitioner, a POS machine displayed 675 bags of Urea while only 164 bags were physically present in the shop. Therefore, it is alleged that the petitioner is involved in black marketing of the same.



4. 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 grudge. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the informant failed to provide a printed POS machine reading indicating the presence of 675 bags or any photographic evidence or any documentary evidence to substantiate this claim. The inspection team has overlooked the Khad Sales register, a document containing the names of individuals to whom the product was sold and did not take the register in which, it was mentioned that he sold the Urea to another person, the same is enclosed in the bail petition. It is further submitted that the license of the petitioner has been canceled by the concerned Authorities. Petitioner has no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case, since the license of the petitioner has been cancelled, 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 Kasba P.S. Case No.288 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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