

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25319 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- KURSAILA District- Katihar

Rahul Gupta Son of Dinesh Prasad Gupta R/o Village- Ayodhyagan Bazar,
P.S.- Kursela, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate.
	:	Mr. Kumar Rajdeep, Advocate.
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-07-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kursela P.S. Case No.269 of 2023 instituted under Sections
7(1)(1A)(11) of the Essential Commodities Act, 1955.

3. As per the prosecution case, 1123 bags of fertilizer
were seized from the shop of petitioner by the concerned
Officials without any authorization letter and thus, violated the
provisions of Fertilizer Control Order, 1985 and Essential
Commodities Act.

4. Learned senior counsel for the petitioner submits
that petitioner is innocent and has been falsely implicated in this
case. He further submits that petitioner is a agriculturist and his



family owns more than 100 acres of cultivatable land and the fertilizers being referred to was in fact stored by the petitioner and his family members for personal agriculture use and also there is no violation of any legal provisions as alleged. Learned senior counsel submits that on the date of occurrence, the petitioner was not carrying any business of selling fertilizer. He further submits that the Co-ordinate Bench of this Court vide order dated 28.06.2024 passed in Cr.W.J.C. No.9854 of 2024 has ordered for provisional release of fertilizer in favour of petitioner subject to final outcome of confiscation/ criminal proceeding. Learned senior counsel submits that the petitioner has the supporting paper of ownership of the fertilizers in question. He further submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the



learned S.D.J.M., Katihar in connection with Kursela P.S. Case
No.269 of 2023, subject to the conditions laid down in Section
438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

Ritik/-

U		T	
---	--	---	--

