

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33605 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- BALRAMPUR District- Katihar

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1. MUNAY REJA S/O NAJAMUDDIN @ NAJAMUDDIN ALAM R/O VILLAGE- KASBA TOLI, P.S- BARSOI (SUDHANI O.P.), DISTT.- KATIHAR
 2. FUL KUMAR RAY S/O LATE GAMBHIR RAY @ LATE GAMHIR RAY R/O VILLAGE- KASBA TOLI, P.S- BARSOI (SUDHANI O.P.), DISTT.- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad, Advocate.
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Md. Helal Ahmad, learned counsel appearing on behalf of the petitioners and Mr. Parmeshwar Mehta, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Balrampur P.S. Case No. 17 of 2024 registered for the offence punishable under Section 7 of the E.C. Act.

3. As per the allegation made in the F.I.R., the petitioners were found transporting 57 bags of Urea each containing 45 Kg and 16 bags of DAP each containing 50 Kg along with sand without any valid document.

4. Learned counsel appearing on behalf of the petitioners submitted that very seizure affected by the informant



who is Sub-Divisional Agricultural Officer is not in accordance with Rule 20 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as “Control Order, 2016”), which provides that the prescribed authorities mentioned therein are required to conduct inspection in terms of Sub-Clause-III which provides for technology based inspection and supervision and in case any irregularity is found, then Inspecting authority shall make a report available to the Licensing Authority without delay. The Licensing Authority is required to take action within a period of one month. Learned counsel further submitted that the petitioners were carrying the fertilizer for agricultural purpose along with sand which was bought by them from open market. On these ground, he seeks that the petitioners be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having heard the rival submissions made on behalf of the parties and the fact that the seizure is not in accordance with the Rule 20 of the Control Order, 2016, the petitioners against whom there is no criminal antecedent have, prima facie, made out a case to be granted pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barsoi, Katihar in connection with Balrampur P.S. Case No. 17 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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