

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67488 of 2024

Arising Out of PS. Case No.-487 Year-2022 Thana- ATRI District- Gaya

Ashok Singh @ Ashok Kumar Singh Son of Late Kamta Singh, Resident of
Village- Upathu, Deya Fathehpur, PS- Atri, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Murari Narain Chaudhary, the learned
counsel for the petitioner and Ms. Sharda Kumari, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Atri PS Case No. 487 of 2022, FIR dated
21.11.2022, registered for the offences punishable under
Sections 420 of the Indian Penal Code and under Section 7
(FCO-5) of the Fertilizer (Control) Order, 1985.

3. According to the prosecution case, during course of
inspection of fertilizer manure stores, the informant found that
despite expiry of license of Gayatri Traders Shop, fertilizer was
being sold, which is in violation of Section 7 (FCO-5) of the
Fertilizer (Control) Order, 1985.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the FIR, informant has found fifteen bags of Urea, sixteen bags of DAP and thirteen bags of phosphate inside the shop of petitioner and petitioner has not produced any valid paper for the aforesaid articles, hence, the Agriculture Co-ordinator (informant) has filed the present case against the petitioner. He further submits that although license was issued for running the business of fertilizer was in the name of Gayatri Traders and petitioner was the proprietor of the said business, however, the entire business of this fertilizer shop was handled by petitioner's younger brother namely, Ravindra Kumar, who died due to cardiac arrest on 27.10.2021 and after that petitioner never renewed the license of the said shop and he also did not inform the authority concerned regarding this.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that in view of the aforesaid, it appears that petitioner is running the said fertilizer shop without a valid license.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or



surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya / In charge Successor Court, where the case is pending in connection with **Atri PS Case No. 487 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step



for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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