

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11820 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- KALYANPUR District- Samastipur

Prince Kumar Son of Om Prakash Ray Resident of Village- Jhahuri, P.S.-
Kalyanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the State : Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 10-07-2025 Heard Mr. Surya Narayan Roy, the learned counsel

appearing on behalf of the petitioner and Mrs. Pushpa Sinha, the

learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Section 19(c)(vi) Fertilizer Control Order, 1985, Section 7 EC Act, Section 103 Trade Mark Act, 1999 and Section 338, 336(3), 341(1) and 318(4) of Bhartiya Nyaya Sanhita (BNS).

3. As per the prosecution case, on secret information, the police conducted a raid in the house of the petitioner and it was found that spurious fertilizer and salt were kept in bags. It was alleged that the samples were collected and *prima facie*, it appeared that the same were not found as per the specification.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated and no such recovery as alleged had been made. The learned counsel for the petitioner submits that he had purchased the said items from the market and had no concern whatsoever with the making of the same. It is next submitted that search and seizure was also not conducted as per the provisions of the Act and the petitioner who has one criminal case against his name is in custody since 16.10.2024.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that petitioner was found to be possessing spurious fertilizer and other materials including salt and as such should not be released on bail.

6. Considering the aforesaid submissions made by the parties and taking account the period of custody, let the petitioner, above named, 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 the learned court below where the case is pending/successor court in connection Kalyanpur P.S. Case No. 281 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in



violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below 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 court below 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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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