

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30086 of 2025

Arising Out of PS. Case No.-95 Year-2022 Thana- MIRGANJ District- Purnia

1. Shubham Kumar @ Shobhan Kumar Son of Ram Prakash Mehta Resident of village - Chak Parora, Banbhag, P.S.- K. Nagar, District - Purnea.
2. Anil Kumar Jha @ Anil Jha Son of Late Paltan Jha Resident of village - Pakara, P.S.- Naugachhia, District - Bhagalpur.
3. Golu Kumar @ Sahgal Kumar @ Golu Son of Subodh Yadav Resident of Naugachhia Godam, P.S.- Naugachhia, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-08-2025 Heard learned Senior Advocate for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mirganj P.S. Case No.95 of 2022 registered for the offences punishable under Section 420 of the Indian Penal Code, Section 7 of Fertilizer Control Order and Sections 7(1)(a) (ii) of the Essential Commodities Act.

3. Based upon the written report, it is alleged that on the fateful day, 620 sacks of 45Kg., each of IFFCO Company Urea loaded on a truck bearing registration no. RJ-02GA-7575, has been found parked near a bridge and some persons were



engaged in unloading the fertilizer. The informant, on a secret information, reached at the place of occurrence and seized the truck. On interrogation, the driver of the truck disclosed that the entire fertilizer is transported by petitioner no.2 and total 620 bags were loaded from Naugachhia Godown of petitioner no.3. He further disclosed that petitioner no.1 is having shop in the name of Kosi Kisan Milk and Agro Producer Company Limited. The truck driver also produced the invoice, which was attached and the entire fertilizer was sealed.

4. Learned Senior Advocate for the petitioners submitted that the entire fertilizer was purchased and supplied by Kosi Kisan Milk and Agriculture Producer Company Limited, which is a registered manufacture of Government of India under Ministry of Corporation having their registration number. Petitioner no.1 is a Transporter, who hired the truck, in question, whereas petitioner no.2 is a Godown Keeper and petitioner no.3 had purchased 620 bags Urea, in question. Even if the allegation is taken to be true, no offence under the E.C. Act and/or Fertilizer Control Order is made out. Moreover, Kosi Kisan Milk and Agriculture Producer Company Limited is a licensee to carry out business/dealing of fertilizer in the district of Purnea and entire consignment of 620 bags of fertilizer had been duly



purchased.

5. At last, learned Senior Advocate for the petitioners taking this Court through the impugned order has submitted that the court below itself has observed that, in fact, it was an attempt to unload urea fertilizer by illegally parking a truck and thus in view of the allegation and the materials available on record, no offence is made out. The petitioners bear fair antecedent and they undertake before this Court that they will fully cooperate in the investigation and the proceeding of the Court.

6. On the other hand, learned Advocate for the State opposed the pre-arrest bail application of the petitioners.

7. Having regard to the submissions set forth by the learned Advocate for the respective parties and taking note of the materials available on record, especially, the license and the invoices, copies of which have been produced on record as also the fact that a separate confiscation proceeding has been initiated against the petitioners, apart from their fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned 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 Chief Judicial Magistrate, Purnea in connection Mirganj P.S. Case No.95 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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