

**IN THE COURT OF MANDIP SINGH DHILLON, ADDITIONAL
SESSIONS JUDGE, MANSA.**

Case Type	: BA (Bail Application)
File No.	: 467/2021
CIS Case No.	: BA/1672/2021
CNR No.	: PBMN010063852021
Date of registration	: 18.11.2021
Date of Decision	: 10.12.2021

Madan aged about 35 years, son of Balbir Singh, resident of village
Siswala (49) District Hisar (Haryana).

...Accused/applicant

Vs.

State

**Bail application under section 438 Cr.PC for grant of anticipatory
bail to the applicant in case FIR No. 183 Dated 13.11.2021 under
section 420 IPC and section 13, 19, 4 of the Fertilizer (control) Order
1985, Section 7 Essential Commodity Act 1955, P.S. Sardulgarh,
District Mansa.**

Present: Sh. K.C. Garg, Advocate, Ld. counsel for applicant.
Sh. Ankit Goel, Ld. Addl. PP for the State.

ORDER:

1. Accused/ applicant Madan has filed the present bail
application under section 438 Cr.PC for grant of anticipatory bail in case
FIR No. 183 Dated 13.11.2021 under section 420 IPC and section 13, 19,
4 of the Fertilizer (control) Order 1985, Section 7 Essential Commodity
Act 1955, P.S. Sardulgarh, District Mansa.

2. Briefly stated case of prosecution is that, Fertilizer Inspector, Sardulgarh moved an application before the police on the averments that a team of Dr. Manjit Singh, Chief Agriculture Officer, Mansa, Sulekh Aman Kumar Mehla, Fertilizer Inspector, Sardulgarh, Gurinderjit Singh, Agriculture Development Officer, Circle Ahlupur (Block Sardulgarh) and Manjit Singh, Agriculture Development Officer, PP Head Quarter, Mansa conducted checking of M/s Victory Biotech Private Limited, Sadhuwala Road, Sardulgarh. Darshan Singh Sekhon was found present at the time of the checking and he disclosed himself to be Sales Officer of the company. He handed over LOA bearing No. 24/2020 to them and he asked to inform Madan son of Balbir Singh, village Siswala, District Hisar, whose name was mentioned in L.A. Madan was not present at the spot. During checking of the Godown, 705 bags (each weighing 50 Kgs) of Bio DAP (Organic Manure) were found and Darshan Singh produced bill of 950 pouches (bags). The product in the name of Bio DAP is not mentioned in the LOA. Details on the bags was checked and it was noticed that contents written on the bags are different and are not as per standards of FCO 1985. Accused have violated the provision of Section 13(i)(c), 19(a)(b), 19(c)(i), 19(c)(ii), 19(c)(v) of the Fertilizer Control Order 1985. There was no Board of Form out-side the Godown and no stock register was found during the checking. Accused have violated the provision of Section 4(a) of the Fertilizer Control Order 1985. The recovered fertilizer was not up to the sampling and testing as per the quality prescribed under the FCO, 1985. The company has tried to cheat

the farmers by making fertilizer in such a way that it resembles with the DAP. On this narration, police came into action.

3. It was argued on behalf of the applicant/accused that applicant/accused has been falsely implicated in the present case. M/s Victory Bio Tech Private Limited is used to manufacture the various types of fertilizers in the name of different trade mark and brand name and as such, company has not committed any fraud with anyone. Applicant/accused is not required for custodial investigation. On these averments besides usual grounds, the accused/applicant was asked to be released on anticipatory bail.

4. The application has been opposed by the learned Addl. PP for the State.

5. I have heard the arguments of learned counsel for the applicant/accused, learned Addl. PP for the State and have gone through the police record with their able assistance.

6. By going through the police file reveals that as per LOA No.24/2020, previous responsible person was Sh. Niranjana Singh son of Sh. Sher Singh resident of village Kalu Patti, Duggan, District Sangrur and new responsible person is Madan son of Sh. Balbir Singh resident of village Siswala, P.O. Rawalwas Khurd, District Hisar of M/s Victory Bio Tech Private Limited. As per prosecution version, 705 bags (each weighing 50 Kgs) of Bio DAP (Organic Manure) were recovered during checking of Godown of M/s Victory Biotech Private Limited, Sadhuwala Road, Sardulgarh. The main contention of the prosecution is

that accused firm has violated the terms and conditions mentioned in the Fertilizer Control Order 1985. Whether the accused had violated the terms of the Fertilizer Control Order 1985 or not is a matter of evidence and it can be adjudicated only after leading of the evidence. His custodial interrogation is not required. At this stage, without commenting upon the merits of the case, applicant/accused Madan is directed to join the investigation within 4 days from today and in that event, applicant/accused shall be released on interim bail on furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount by the investigating officer/arresting officer, subject to the conditions that he make himself available for interrogation by the Investigating Officer as and when required; that he will not directly or indirectly make any inducement, threat or promise to any person connected with the facts of the case so as to dissuade him from deposing such facts before the Court or any police officer; and that he will not leave India without prior permission of the Court.

If the applicant/accused failed to join the investigation with the police within given time, then this order will cease to operate.

Let report be awaited till 14.12.2021.

Pronounced

Dated: 10.12.2021

(Avinash)

**(Mandip Singh Dhillon),
Addl. Sessions Judge, Mansa.
(UID: PB0115)**

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Present: Sh. K.C. Garg, Advocate, Ld. counsel for applicant.
Sh. P.S. Chahal, Ld. Addl. PP for the State.

Ld. Addl. PP has placed on file copy of Schedule-IV, Part-A
of Specifications of Organic Fertilizers and the Schedule of Essential
Commodities. Adjourned to 10.12.2021 for arguments.

Dated: 09.12.2021

(Mandip Singh Dhillon),
Addl. Sessions Judge, Mansa.
(UID: PB0115)