

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47680 of 2014

Arising Out of PS.Case No. -16 Year- 2010 Thana -JALALGARH District- PURNIA

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1. ANIL YADAV, S/O BINOD YADAV, RESIDENT OF VILLAGE JOGBANI, P.S. JOGBANI, DISTRICT ARARIA.
 2. TUNTUN DAS, S/O KISHAN DAS, RESIDENT OF VILLAGE NEERPUR, P.S. JOGBANI, DISTRICT ARARIA.
 3. FIROJ KHAN @ FIROJ ALAM, S/O JAHANGIR MIAN, RESIDENT OF VILLAGE KUMAR BAZAR, P.S. KURSAKATA, DISTRICT ARARIA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR THROUGH THE ECONOMIC OFFENCE UNIT.

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Mr. Vishwanath Pd. Singh (Adv. For Eou)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners are accused in connection with Jalalgarh P.S. Case No. 16 of 2010 (Special Case No. 1 of 2010) registered under Sections 413 and 414/34 of the Indian Penal Code and Section 135 of the Customs Act, 1962, pending in the court of Special Judge, Economic Offences, Purnea.

The allegation is that on secret information on 26.03.2010, the police started checking the vehicle (mini truck)

bearing registration no. W.B. 59/8748 and on search, 60 bags of betel-nut weighing 45 quintals were seized. The driver and Khalashi of the said truck disclosed the name of petitioners and others saying their indulgence in smuggling of betelnut from Nepal to India.

Learned counsel for the petitioners submits that petitioners are the reputed businessman and has falsely been implicated in this case. It is further submitted that the name of the petitioners have come in the confessional statement of co-accused except that there is nothing against them.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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