

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38197 of 2016

Arising Out of PS.Case No. -80 Year- 2008 Thana -NAWADA MUFFASIL District- NAWADA

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Md. Moti Alam @ Md. Mootiur Rahman S/o late Md. Atim Alam Resident
of Mohalla- Kunda, P.S.- Shekhpura, District Shekhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-10-2016 Heard both sides.

The petitioner apprehends his arrest in G.R. No. 117/2008 arising out of Mufassil P.S. case no. 80/2008, registered for the offences punishable under Sections 4 and 5 of the Explosive Substance Act.

One vehicle bearing registration no. BR-536776 was intercepted and Ammonium Nitrate was recovered from the vehicle.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Name of the petitioner for the first time figured in the case in the year 2010 from the mouth of the driver of the vehicle. The son of the petitioner filed Criminal Revision No. 219/2009 and Cr. Revision no. 226/2009 for release

of the vehicle and Ammonium Nitrate. In the year 2008, Ammonium Nitrate was not categorized in explosive substance and same was used as chemical fertilizer and no license was required to carry Ammonium Nitrate. On such submission the vehicle and Ammonium Nitrate was ordered to be released in favour of the son of the petitioner vide order dated 20.03.2009 in Cr. Revision no. 219/2009 with Cr. Revision no. 226/2009. The police prayed for issuance of non-bailable warrant of arrest against the petitioner only in the year 2016. It is further submitted that petitioner is suffering from different ailments and he is bed-ridden, but it appears that the case is of the year 2008. The petitioner kept mum for more than eight years and thereafter filed petition for anticipatory bail.

Considering the facts aforesaid and the fact that after eight years the petitioner filed petition for anticipatory bail, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below learned court below shall consider the prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J.)

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