

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45237 of 2016

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

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Mukesh Kumar Barnwal, son of Munshi Modi, Resident of Village-
Bhelwatand, P.S.- Domchanch, District- Koderma, Jharkhand

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 17-11-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Muffasil P.S. Case No.80 of 2008(G.R. No.117 of 2008)
for allegedly having committed the offence under Section 4/5 of
the Explosive Substances Act.

Learned counsel for the petitioner submits that the
present petitioner is the one who is said to have sold Ammonium
Nitrate, which was recovered from the Tata vehicle. It is further
submitted that the person, who is said to have purchased the said
Ammonium Nitrate from the petitioner has since been granted
the indulgence by this Court inasmuch as the vehicle as well as
the Ammonium Nitrate was released under the orders of this
Court passed in Criminal Revision No.219 of 2009 and Criminal

Revision No.226 of 2009. The petitioner is merely a person who has sold Ammonium Nitrate. It is submitted that the alleged recoveries were made under the impression that Ammonium Nitrate is an explosive substance, but in the said order it is being categorically held that Ammonium Nitrate is not an explosive substance, as such no licence is required for its import, manufacture, storage, transportation and sale etc. and, therefore, the petitioner cannot be held guilty of any offence.

In view of such facts and circumstances and the finding of this Court in an earlier proceeding arising out of the same occurrence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Muffasil P.S. Case No.80 of 2008(G.R. No.117 of 2008), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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