

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46319 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -MEERGANJ District- PURNIA

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Lalan Kumar, son of Ram Bilash Prasad Sah, resident of village-Binodpur,
P.S. Town Thana Katihar, District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 16-12-2016 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Mirganj P.S. Case No.31 of 2016 registered under Sections 272, 273,
420 and 120(B) of the Indian Penal Code besides Sections 26(i)(iv) of
the Product Act and Sections 6(a)(b) of COTPA Act.

Allegedly, a pick-up van, carrying 16 bags, containing 6000
packets, marked with M branded chewing tobacco and 240 bags,
containing 12000 packets of Madhu, was recovered. The Driver of the
pick-up van, namely, Vikas Kumar, disclosed that the said materials
was loaded from the godown of one Ajay Kumar Gupta on the
instruction of the petitioner, the owner of the vehicle.

Learned counsel appearing on behalf of the petitioner submits
that it would appear from the F.I.R. that the name of the petitioner has



been disclosed in this case by Vikash Kumar, who was engaged by the petitioner to drive his commercial vehicle. In fact, the commercial vehicle of the petitioner was being driven by the driver Vikash Kumar and petitioner had no knowledge about loading of the contraband chewing tobacco. Further submission is that the petitioner is accused in one case, as detailed in paragraph-3 to this application, in which he is on bail and the co-accused, Ajay Kumar Gupta has been granted anticipatory bail by a Bench of this Court vide order dated 04.10.2016 passed in Criminal Misc. No.40946 of 2016.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Mirganj P.S. Case No.31 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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