

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74458 of 2018

Arising Out of PS. Case No.-170 Year-2018 Thana- BAISI District- Purnia

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1. Md. Zakir Hussain, S/o Md. Habib,
 2. Md. Habib, S/o Late Jabbar, Both resident of Village- Singhia
Thanthol, P.S.- Dagarwa, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-12-2018 The learned counsel for the petitioners submits that petitioner No.2, Md. Habib has already been arrested. Accordingly, the prayer for anticipatory bail of petitioner No.2 is dismissed as has become infructuous.

Heard both sides.

The petitioner apprehend his arrest in Baisi P.S. Case No.170 of 2018 for the offences punishable under Section 7 of the E.C. Act.

The police intercepted a tractor bearing registration No.BR-11G-9861 loaded with rice. The driver of the tractor fled away. The police made the owner of the tractor and his son accused in the case.

The learned counsel for the petitioner submits that



petitioner No.2, owner of the tractor, has already been arrested. Petitioner No.1, Md. Zakir Hussain is son of petitioner No.2, Md. Habib. He has no manner of concern with the tractor and loaded rice. Driver of the tractor was carrying the rice on hire.

Considering the aforesaid facts and nature of allegation made against the petitioner and the fact that the petitioner No.1 is the son of the owner of the tractor, let the petitioner No.1, 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 of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No.170 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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