

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9421 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

1. Yashwant Kumar Sharma @ Yashwant Sharma, son of Ram Krishna Sharma
Resident of Mohalla - Balughat, P.S.- Town, District -Muzaffarpur
2. Pankaj Kumar Sharma, son of Yashwant Kumar Sharma @ Yashwant Sharma
Resident of Mohalla - Balughat, P.S.- Town, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioners
and the State.

The petitioners seek bail in anticipation of their arrest in connection with Lahareisarai P.S. Case No. 263 of 2018 dated 23.05.2018 instituted for the offences under Sections 413, 414, 419, 420 and 34 of the Indian Penal Code and Sections 7, 11, 50, 51 and 135 of the Customs Act, 1962.

It appears that a truck was seized which was found to be loaded with black pepper kept in 122 white sacks, each sack containing 25 kgs. The petitioners who are father and son amongst themselves are the proprietor of Sona group which primarily deals with sale and purchase of commodities.



It is the case of the petitioners that the aforesaid consignment of black pepper had to be delivered to the consignee and the transportation of which was under valid documents. However, the local officer-in-charge of the concerned police station unauthorizedly denied to accept the documents offered by the truck driver and maliciously seized the vehicle. It has further been submitted that the petitioners were not named in the FIR and only after ascertainment of the fact that the consignment as well as the vehicle belongs to them, they have been made accused in this case.

It has further been submitted that the black pepper is not a controlled or notified commodity and if at all there was any violation of any one of the provisions of Customs Act, it would have been with respect to the procurement or lack of permission to transport the aforesaid commodity. In the absence of any specific reason for seizure of the aforesaid consignment or any statement regarding breach of any particular provision of law which has been alleged in the FIR, the petitioners ought not to be arrested. It has further been submitted that even if the accusation in the FIR is accepted to be *ex facie* true, no custodial interrogation would be required in the present matter.

Regard being had to the aforesaid facts and



also taking into account the clean antecedents of the petitioners, they are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Lahareisarai P.S. Case No. 263 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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