

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39940 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- BAUSI District- Purnia

Pratap Kumar Gupta @ Pradeep, Son of Govind Pd. Gupta, Resident of Village-P.W.D. Para, P.S-Dalkola, District-Uttar Dinajpur (W.B.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49649 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- BAUSI District- Purnia

Istab Ali @ Ishtiab Ali, Son of Ozzir @ Ozzair, Resident of Village - Nitaichipur (Nijitpur), P.S.- Dalkola, Dist.- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39940 of 2019)

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 49649 of 2019)

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 05-09-2019 Criminal Misc. No. 39940 of 2019 and Criminal Misc. No. 49649 of 2019 arising out of the same Police Station, as such, both are taken up together for disposal of the same.

This is an application for grant of anticipatory bail in connection with Baisi P. S. Case No. 79 of 2019, disclosing offences under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(a), 33, 41 and 47 of the Bihar Prohibition and



Excise Act.

Allegation against the petitioners that one truck was intercepted by the police loaded with 8000 liters of spirit and the driver was arrested, who disclosed the name of one Pradip Kumar and mobile number that he has loaded the spirit. Petitioner in Criminal Misc. No. 49649 of 2019 is owner of the truck.

Submission of the learned counsel for the petitioner in Criminal Misc. No. 39940 of 2019 is that except that one Pradip Kumar has loaded the spirit, nothing materials collected during the investigation against him and that mobile number does not belong to him.

On the other hand, learned counsel for the petitioner in Criminal Misc. No. 49649 of 2019 has submitted that though the petitioner is owner of the truck but he has handed over the truck to the transporter and transporter is running the truck but he has not produced any paper in respect of the same.

Heard learned A.P.P. also.

Having heard both sides, considering the above submissions, so far as, Criminal Misc. No. 39940 of 2019 is concerned, this application is allowed. Let the petitioner, Pratap Kumar Gupta, in the event of his arrest or surrender before the



court below within two weeks from receipt of order, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Special Judge-cum- A.D.J.-II, Purnea, in connection with Baisi P. S. Case No. 79 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

So far as, Criminal Misc. No. 49649 of 2019 is concerned, this application is disposed of with a direction to the petitioner, Istab Ali @ Ishtab Ali to surrender before the learned court below and produced any paper showing that he has handed over the truck to the transporter and if he produce the same, the learned court below is to verify the above submission, if the learned court below is satisfied with the same, he will release him on bail, otherwise, the petitioner has to surrender and pray for regular bail.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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