

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5222 of 2020

Arising Out of PS. Case No.-561 Year-2019 Thana- FORBESGANJ District- Araria

1. Md. Hasib @ Md. Haseeb, aged 21 years (Male), S/o Dawood R/o village-Garha Ousri, P.S.- Jogbani, Distt.- Araria
2. Md. Nasim, aged about 39 years (Male), S/o Safaidul R/o village- Ousri-Hasanpur, P.S.- Jogbani, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Forbesganj P.S. Case No. 561 of 2019 registered for offences under sections 413, 414/34 of the Indian Penal Code.

As per allegation, the police, on receipt of secret information, intercepted three miscreants keeping gunny bags on their motorcycles, the drivers of the two motorcycle were arrested but, the one, namely, Md. Hasib succeeded in flee away from there. The arrested persons have disclosed the name of his associates as Md. Hasib (petitioner no.1) who managed to flee



away. They also disclosed that Md. Nasim (petitioner no.2) used to bring the black pepper from Neapl and he engaged them to supply the same in the shops. Thereafter, the police has recovered 14 bags each of 25 Kg. loaded with black pepper and seized the same.

Learned counsel for the petitioners submits that they have purchased the black pepper from Marufganj on 13.6.2019 and 16.6.2019.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on provisional bail for three months on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 561 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

The court below will enquire into the authenticity of



the two receipts attached with the present bail application and if they are found to be genuine, the provisional bail granted to the petitioners today will be confirmed but, on the other hand, if the receipts are found to be fake, the provisional bail granted today will be treated to have been recalled.

(Shivaji Pandey, J)

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