IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 4209 of 2020

Babulal Kisku ..... Petitioner

Vs.

The State of Jharkhand .... Opposite Party

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CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

Through Video Conferencing

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For the Petitioner : Mr. Durga C. Mishra, Advocate

For the State : Mr. Anup Pawan Topno, A.P.P.

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Order No. 02 Dated 15th December, 2020

Heard the learned counsel for the respective sides.

Defects, as pointed out by the office, are ignored.

The petitioner apprehends his arrest in connection with Jama P.S. Case No. 55 of 2020, pending before the Court of learned Judicial Magistrate, 1st Class, Dumka.

A tractor illegally loaded with coal was intercepted. The petitioner is the owner of the seized tractor.

Submission has been advanced by the learned counsel for the petitioner that the petitioner had purchased 03 M.T of coal from Md. Israil who had obtained the said coal through auction purchase from the railways. It has thus been submitted that since the transportation was on account of a valid document, the petitioner deserves the privilege of anticipatory bail.

Learned APP has opposed the prayer for anticipatory bail of the petitioner.

The petitioner has brought on record the auction sale from which it appears that Md. Israil was the highest bidder and he had taken delivery of 17.89 M.T. of steam coal on an auction sale held on 7.12.2015. The petitioner has relied upon a certificate issued by Md. Israil dated 21.04.2020 that 03 M.T. of coal was sold to the petitioner out of the coal which was purchased by Md. Israil through auction sale. The certificate appears to be doubtful as the purchase made by the petitioner seems to be from 17.89 M.T. of coal which was taken delivery of by Md. Israil in the year 2016 and the purchase was made by the petitioner after four years in the year 2020.

In view of the doubt generated on account of the certificate issued by Md. Israil and the fact that the transportation was within the knowledge of the petitioner, I am not inclined to extend the privilege of anticipatory bail to the petitioner. This application accordingly stands rejected.

MK (RONGON MUKHOPADHYAY,J.)