

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42439 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Shailendra Kumar Gupta son of Antu Saw Resident of Village - Bithosharif, P.S.- Chakand, District - Gaya.
 2. Laxman Kumar Son of Ganauri mahto Resident of village - Chainpur, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Forest Case No. 45 of 2022 lodged under Sections 33, 41, 42 of
the Forest Act 1927 (Bihar Amendment Act, 1989).

As per the prosecution case, the total recovery of 348
bags mahua flower equivalent to 174 Quintals mahua flower
along with truck was said to be seized in this case.

Learned counsel for the petitioners submit that
petitioners are truck driver and owner. Learned counsel for the

petitioners submit that in the present case, Sections 33, 41 and 42 of Indian Forest Act, 1927 (Bihar Amendment Act, 1989) has been added.

Learned counsel for the petitioners submit that the punishment imposed under said Section is 6 months and may extend to 2 years or fine of upto Rs. 1,000/- to Rs. 5,000/-. Learned counsel for the petitioners further submit that antecedent of the petitioners are clean and they are in custody since 08.05.2022. Learned counsel for the petitioners further submit that report has already been submitted and they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Forest Case No. 45 of 2022 District Gaya, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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