

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.2617 of 2020

Ganesh Prasad Petitioner
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Anil Kr. Sinha, Advocate
For the State : Mr. Ravi Prakash, Spl.P.P

Order No.03 Dated- 11.09.2020

Heard the parties through video conferencing.

Apprehending his arrest in connection with Ratu P.S. Case No.305 of 2019 instituted under Sections 420 of the Indian Penal Code and under Sections 18 (c), 22 (cca), 27 (B) (II) and 22 (3) of the Drugs and Cosmetic Act, 1940, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Mr. Anil Kr. Sinha- learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Learned counsel appearing for the petitioner submits that the petitioner filed A.B.A. No.9203 of 2019 and therein the petitioner contended that he is the owner of M/s Ashutosh Homeo Hall, Kamre, Ranchi and hence, no offence punishable under the penal provisions of Drugs and Cosmetic Act, 1940 is made out against the petitioner and vide order dated 12.02.2020 in A.B.A. No.9203 of 2019 a peremptory order was passed upon the petitioner undertaking to file a supplementary affidavit annexing therewith documents to show that he is the owner of the said shop but petitioner did not file the said affidavit rather withdrew A.B.A. No.9203 of 2019. Now the petitioner has come with the diametrically opposite plea that he is not the owner of the said M/s

Ashutosh Homeo Hall, Kamre, Ranchi. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned A.P.P appearing for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the custodial interrogation is required during the investigation of the case and because of his fraudulent character also the petitioner does not deserve the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner and his mischievous conduct of misleading the court and withdrawing the previous anticipatory bail application and thereafter filing a fresh anticipatory bail application with contradictory averments, as well as the requirement of his custodial interrogation during the pendency of the case, this Court is of the considered view that it is not a fit case where the privileges of anticipatory bail be given to the petitioner. Accordingly, the prayer for anticipatory bail of the above named petitioner is rejected.

(Anil Kumar Choudhary, J.)