

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3124 of 2020

Kansh Bauri

..... Petitioner

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioner : Mr. Sunil Singh, Advocate

For the State : Mr. Tarun Kumar, A.P.P.

02/Dated: 09/09/2020

Learned counsel for the petitioner has submitted that though there are defect nos. 9(i) and 9(ii) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioner is apprehending his arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the anticipatory bail application on merits, but with condition that petitioner shall remove the defects within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defects.

Heard, learned counsel for the petitioner, Mr. Sunil Singh and learned counsel for the State, Mr. Tarun Kumar.

Learned counsel for the petitioner has submitted that petitioner is apprehending his arrest in connection with Chandankiyari P.S. Case No.148 of 2019, for the offence registered under Sections 272 and 273 IPC & 47(a) of Excise Act.

Learned counsel for the petitioner has submitted that petitioner is a daily wage earner and a false case has been instituted by the police officer showing recovery of 20 liters country made Mahua wine and 40-45 kg of Mahua from the house of the petitioner though the petitioner was not present and signature of the persons of the inmate of the house have been taken on the seizure list.

Learned counsel for the petitioner has further submitted that petitioner has no criminal antecedent, as such, petitioner may be enlarged on anticipatory bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that huge quantity of Mahua and Mahua wine have been recovered from the house of the petitioner, as such, petitioner may not be enlarged on anticipatory bail.

Considering the rival submission of the parties, State counsel is directed to file a detail counter-affidavit regarding involvement of the petitioner in this case.

Put up this case after four weeks.

(Kailash Prasad Deo, J.)