

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A. No. 4418 of 2020

1. Meraj Ansari, son of Alihasan Ansari.
2. Sadik Ahmad, son of Md. Ayaz.
3. Abdul Hasan Ansari, son of Islam Ansari.
4. Sandip Mahto, son of Ram Payari Mahto.
5. Muntaj Ansari, son of Muslim Ansari.
6. Idris Ansari, son of Muslim Ansari.

..... Petitioners

Versus

The State of Jharkhand

..... Opp. Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioners : Mr. Deepak Kumar Prasad, Advocate.
For the State : Mr. Prabir Kumar Chatterjee, Spl.P.P.

02/Dated: 27/07/2020

Heard, learned counsel for the petitioners, Mr. Deepak Kumar Prasad and learned counsel of the State, Mr. Prabir Kumar Chatterjee, Additional Public Prosecutor.

Learned counsel for the petitioners has submitted that though there are some defect(s) in the bail application as pointed out by the Stamp Reporter, but he has filed an undertaking that he shall remove the defects after the lock down period is over and the bail application may be heard as it is a regular bail in which petitioners are in custody since 17.04.2020.

Considering the same, this Court is inclined to hear the bail application on merits, but with condition that petitioners shall remove the defect(s) after the lock down period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lock down period is over so as to remove the defect(s).

Learned counsel for the petitioners has submitted that the petitioners have prayed for grant of regular bail in connection with Kuru P.S. Case No. 46/2020 for the offence registered under Section 414 of the I.P.C., Section 4/4(1A) and 21 of M.M.D.R. Act.

Learned counsel for the petitioners has submitted that Assistant Mining Officer, Lohardaga has filed this case only on the

ground that the vehicle has been found with permit, but after expiry of the validity of the e-challan.

Learned counsel for the petitioners has submitted that it is surprising that during lock down period, when weighing bridge was not operating, these petitioners have been falsely implicated by the Assistant Mining Officer without considering the lock down imposed by the State, as such, petitioners, who are in custody since 17.04.2020, may be enlarged on bail.

Learned counsel for the State, Mr. Prabir Kumar Chatterjee, Special Public Prosecutor for Mining Department has opposed the prayer for bail, but has not disputed that from 23.03.2020, there was lock down.

Considering the rival submission of the parties, since the petitioners are drivers of the six vehicles loaded with coal for transportation from Magadh O.C.P., M/S C.C.L. Balumath to Mednapur, West Bengal and they have proper challan, but because of lock down period, the weighing bridge was not operating, as such there was some delay, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each in connection with Kuru P.S. Case No. 46/2020 to the satisfaction of learned Additional Chief Judicial Magistrate, Lohardaga on the following conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Aiyaz Ahmad, son of Late Md. Badruddin, resident of Village – Pandri, P.O. - Pandri, P.S. - Chanho, District - Ranchi, whose UID Number is 4849 7584 8655.

Office is directed to send the photocopy of UID Card bearing no. 4849 7584 8655 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be close relative of the petitioners.

(iii) Petitioners shall appear before the learned trial court on each and every date fixed for their appearance, failing which the trial court shall cancel the bail bonds of the petitioners.

(iv) The Jail Authority shall release the petitioners only after their medical check-up.

(v) The Civil Surgeon, Lohardaga is directed to medically examine the petitioners at the time of their release and if require, petitioners shall be taken for quarantine, but if no such requirement is there, they shall be released forthwith, if not wanted in any other case.

(vi) The petitioners shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

Accordingly, the instant bail application is allowed.

(Kailash Prasad Deo, J.)

Sunil-Jay/