

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

A. B. A. No. 2087 of 2020

Nazir Hussain

..... Petitioner

Versus

The State of Jharkhand

..... Opposite Party

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**CORAM**

**HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner:

Mr. Rajan Kr. Singh

For the State:

Mr. Ashok Kumar, A.P.P

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03/20.07.2020 Learned counsel for the petitioner undertakes to file the deficit authentication fee within two days.

Heard learned counsel for the parties.

The petitioner apprehending his arrest in connection with the case registered under Sections 4/5 of the Explosive Substance Act has prayed for grant of anticipatory bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and has not committed any offence as alleged in the F.I.R. The petitioner has no connection with the alleged offence. The petitioner is the owner of the Tata Magic vehicle from which some explosive substance (Ammonium Nitrate) was recovered by the police. It is further submitted that one of the co-accused Jasim Sk, who is alleged to be the person at whose instance the alleged explosive substance was being carried by the said vehicle, has already been granted anticipatory bail by a Bench of this Court vide order dated 26.02.2019 passed in A.B.A. No. 596/2019. It is also submitted that the petitioner had already sold the said vehicle to one Nasrat Sk. on 06.02.2017 itself i.e. before the date of occurrence. A copy of the said sale letter has been annexed as Annexure-2 to the present anticipatory bail application. Hence, the petitioner may be given the privilege of anticipatory bail.

Learned A.P.P while opposing the petitioner's prayer for anticipatory bail, submits that there is recovery of 14 bags each containing 50 K.Gs of Ammonium Nitrate from the Tata Magic vehicle bearing Registration No. WB-53A-1730. The petitioner is the owner of the said vehicle. Merely by filing a copy of the sale

letter will not absolve the petitioner from the alleged offence as on the date of the alleged occurrence, he happened to be the legal owner of the said vehicle. The case of co-accused Jasim Sk., whose name surfaced on the alleged disclosure of co-accused Salam Sheikh, cannot be equated with that of the petitioner. Hence, the petitioner may not be given the privilege of anticipatory bail.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Pakur (Mal Pahari) P.S Case No. 204/2018.

Accordingly, the prayer for anticipatory bail of the above named petitioner is rejected.

Satish/-

(RAJESH SHANKAR, J)