

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**A.B.A. No.1187 of 2021**

-----

1. Sarwar Alam @ Md. Sarwar Alam				
2. Shamsher Alam	....	....	....	Petitioners
Versus				
The State of Jharkhand	....	....	....	...Opposite Party

-----

**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

-----

For the Petitioners	: Md. Zaid Ahmed, Advocate
For the State	: Mr. P.D. Agrawal, Addl.P.P

-----

**Order No.02 Dated- 25.03.2021**

Heard the parties through video conferencing.

Learned counsel for the petitioners 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 petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest in connection with Daltonganj Sadar P.S. Case No. 93 of 2020 instituted under Sections 414 of the Indian Penal Code and Section 21 (4) of the J.M.M.D.R. Act and Section 54 of the J.M.M.C., Rules and Section 7, 9(i) and 13 of the Jharkhand Minerals (Prevention of Illegal Mining Transportation and Storage), the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioner no.1 is the owner and the petitioner no.2 is the driver of the seized tractors which were involved in transportation of sand illegally. It is submitted that the allegation against the petitioners are false. Drawing attention of this Court towards para-18 of the instant anticipatory bail application, learned counsel for the petitioners submits that the petitioners have no criminal antecedent. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to furnish sufficient security including cash security. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned C.J.M., Palamau at Daltonganj within six weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on depositing Rs.5,000/- (Rupees five thousand) each as cash security and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Palamau at Daltonganj in connection with Daltonganj Sadar P.S. Case No. 93 of 2020 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile numbers during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Choudhary, J.)**

Pappu/