

IN THE HIGH COURT OF JHARKHAND, RANCHI

A.B.A No. 1945 of 2016

Harjit Singh son of Sri Harikishan Singh, resident of 26 F, Gaurishankar Road, P.O and P.S Jugsalai Ddist East Singhbhum Jharkhand Petitioner(s)

Versus

The State of Jharkhand Opp.Party(s)

CORAM :- HON'BLE MR. JUSTICE Ratnaker Bhengra

For the petitioner :- Mr.Kaushik Sarkhel Advocate

For the State :- Mr. Ravi Kumar A.P.P

2/31.5.2016 Present application has been filed under sections 438 and 440 of the Code of Criminal Procedure seeking anticipatory bail as the petitioner has a reasonable apprehension of his arrest in connection with Hatgamharia P.S.Case No. 40 of 2015 corresponding to G.R Case No. 684 of 2015 registered for the offence punishable under sections 273/290/34 of the Indian Penal Code and under section 47(A) of the Jharkhand Excise Act, now pending in the court of learned S.D.J.M

. Sadar at Chaibasa.

Heard the learned counsel for the parties.

The learned counsel for the petitioner has submitted that the petitioner, who had participated in the settlement process, became successful for settlement of Group No.14 Retail Liquor shops constituting of 3 retail liquor shops, namely country liquor shop Majgaon , foreign liquor shop, Majgaon and Composite liquor shop, Kochra at combined monthly incense fees of Rs. 400965.00.The Kochra composite liquor shop individually had a license fee of Rs. 231165.00, but due to unavailability of an objection free site at Kochra, the said shop since the year 2013-14, with the express permission of the Excise Department, West Singhbhum, Chaibasa was operated at Bindisal. It is also stated that upon site inspection, the site was approved by the Collector,West Singhbhum and the petitioner was thus operating the shop at the approved site. It is also stated that it is a licensed liquor shop, the licensed premises is also inspected from time to time by the District Excise officials. Lastly the learned counsel submitted that the petitioner has got no criminal antecedent. He also produced a copy of the anticipatory bail order in which Pradeep Birua has been enlarged on anticipatory bail in A.B.A No. 543 of 2016 dated 31.3.2016 and therefore, he seeks the privilege of anticipatory bail on the same ground.

The learned A.P.P opposed the bail application and submitted that so far as law points are concerned . petitioner does not deserve the privilege of anticipatory bail.

Having gone through the case records and after hearing the parties, I am inclined to grant anticipatory bail to the petitioner and accordingly, petitioner Harjit Singh is directed to surrender in the court below within three weeks from today and on such surrender he shall be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M Sadar at Chaibasa. subject to the condition as laid down under section 438(2) of the Code of Criminal Procedure.

SD

(Ratnaker Bhengra,J)