

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 9736 of 2021**

1. Md. Dilsad Khan @ Dilsad Khan
2. Najf Azad Khan @ Najaf Azad Khan ... Petitioners
Versus
The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Ankit Kumar, Advocate
For the State : Mr. Veervijay Pradhan, Addl. P.P.

Order No.03 Dated- 31.01.2022

Heard the parties through video conferencing.

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Garhwa P.S. Case No. 382 of 2021 registered under Sections 379/411 of the Indian Penal Code, Section 54 of JMMC Rule, Section 21 of MMDR Act and Section 13 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.

Learned counsel for the petitioners submits that he does not want to press the prayer for grant of privilege of anticipatory bail of the petitioner no.2 as he has filed another anticipatory bail application.

Accordingly, the prayer for grant of privilege of anticipatory bail of the petitioner no.2 is rejected as not pressed.

So far as the petitioner no.1 is concerned, learned counsel appearing for the petitioner no.1 submits that the allegation against the petitioner no.1 is that the petitioner no.1 is the driver of the truck which was seized by police while transporting illegally extracted coal. It is then submitted that the allegations against the petitioner no.1 are all false. It is further submitted by learned counsel for the petitioner no.1 that the petitioner no.1 has no criminal antecedent, as mentioned in paragraph 3 of the supplementary affidavit. It is next submitted that the petitioner no.1 undertakes to co-operate with the investigation of the case

and are also undertakes to furnish sufficient security including cash security. It is lastly submitted that the co-accused person has already been given the privilege of anticipatory bail by this Court vide order dated 25.11.2021 in A.B.A. No. 8791 of 2021. Hence, it is submitted that the petitioner no.1 be given the privilege of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioner no.1.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner no.1. Hence, in the event of arrest by the police or surrender within a period of six weeks from the date of this order, the petitioner no.1 shall be released on bail on furnishing cash security of Rs. 10,000/- and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Garhwa in connection with Garhwa P.S. Case No. 382 of 2021 subject to the condition that the petitioner no.1 will co-operate with the Investigation of the case and will appear before the Investigating Officer as and when noticed by him and will submit mobile number and photocopy of Aadhaar card at the time of surrender in the court below with an undertaking not to change mobile number during the pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-