

Order dated : 27.10.2021

Present : **Sh. Sikandar Kumar**, Advocate for the petitioner/ accused
Sh. Ram Lakhan Ray, Special Public Prosecutor (Excise Act)

1. Here is an application for disposal, filed by the accused named Raj Kumar Sah son of Ramchandra Sah, who is confined in jail since 07.07.2021 for his alleged involvement in Kalyanpur PS Cae no. 274 of 2020, lodged u/s 30 (a), 41(i)(ii) of the Bihar Prohibition and Excise Act. It is pleaded in the application that the petitioner intends to contest the elections for the post of Mukhiya of Gram Panchayat of Basudevpur, PS Kalyanpur, District Samastipur and for that purpose intends to file his nomination at Kalyanpur Block, Kalyanpur, therefore, he prayed for directions to the Jail Superintendent Samastipur to make arrangement for taking the petitioner to Kalyanpur Block for filing nomination.

2 Learned counsel for the petitioner in his oral arguments reiterated the contents of the application. On the other hand learned Special Public Prosecutor vehemently opposed to the application with the submissions that the bail application of the petitioner has already been dismissed by this Court and moreover there is no provision in the law for making arrangements to take the accused for filing nomination.

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3 *Heard rival submissions.*

4 *In a case Dhananjay Singh Vs. State of NCT Delhi, The Hon'ble Supreme Court Of India, vide SLP (Cri) no. 003042/ 2014, dated 09.04.2014 had granted interim bail to prisoner to file his nomination and for campaigning, therefore, in the considered opinion of this court, there is no legal hitch in allowing the present application. The Jail Superintendent, District Jail Samastipur is directed to take the petitioner to Kalyanpur Block for nomination on 29.10.2021. The expenses of the escort/ police convoy as assessed by the appropriate authority shall be borne by the petitioner.*

Dated 27.10.2021.

Satya Bhushan Arya
2nd ASJ cum Special Judge (Excise)
Samastipur