

Criminal Misc. Case No. 796 of 2022

Order No. 02

04.07.2022

This is an application under Section 438 of Cr.P.C, praying for anticipatory bail, filed on behalf of the accused/ petitioner namely; **Prasanta Ghosal s/o Ramdas Ghosal**, who apprehend arrest, in connection with Purulia(T) P.S Case No. 101 of 2022 dated 18.06.2022 under Sections 379/411/414 & Read with section 21(1)(4) of Mines & Minerals (R & D) Act 1957, vide G.R. Case No. 1243 of 2022.

The prayer for bail is moved by the Ld. Lawyer for the accused/petitioner.

It is submitted by the Ld. Lawyer that this accused petitioner is the owner of the vehicle from which sand was seized and he has valid challan for carrying sand. The driver of the said vehicle has already been enlarged on bail. So, the prayer for bail may be allowed on any terms and conditions.

Ld. Lawyer submits further that no bail application has been filed/pending before the Hon'ble High Court, Calcutta.

Ld. P.P. opposes the bail prayer.

Considered the submissions. Perused the L.C.R., F.I.R. including statements of the witnesses recorded u/s 161 of Cr.P.C., seizure list and other materials in C.D.

Considering the submission, perused the copy of the road E-challan, it appears the road E-challan for carrying the sand which are seems to be issued on 18.06.2022 and the seizure has taken place on same date. So, considering this aspect the prayer for anticipatory bail hereby **allowed**.

In the event of arrest, the accused petitioner be released on furnishing bond of Rs. 5000/- with two sureties of Rs. 2500/- each, on condition to meet the I.O once in a week for one month, to the satisfaction of the arresting officer and on compliance with the conditions as envisaged u/s 438(2) of Cr. P.C.

The Criminal Misc. Case is, thus disposed of. Return the C.D.

Let a copy of this Order along with the L.C.R. be sent to the Learned C.J.M, Purulia, for information.

(Dictated & Corrected)

Sessions Judge, Purulia

Sessions Judge, Purulia.
(J. O. Code No. 479)