

Criminal Misc. Case No. 792 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; **Jaharlal Paul s/o Ambik Paul**, who apprehend arrest, in connection with Boro P.S Case No. 48 of 2022 dated 19.06.2022 under Sections 379/411 of IPC & Section 21(1)(4) of Mines & Minerals (R & D) Act 1957, vide G.R. Case No. 1256 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 cum driver of the vehicle from which sand was seized and he has valid challan for carrying sand. So, the prayer for bail may be allowed on any terms and conditions.

Ld. lawyer files copy of the Road E-Challan in respect of the said vehicle.

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 that the road E-challan for carrying the sand which are seems to be issued on 18.06.2022 and 19.06.2022 and the seizure has taken place on 19.06.2022. 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)