
(2021) 04 JH CK 0234
In the Jharkhand High Court
Case No : A.B.A. No. 1866 Of 2021

Om Kailash Beniwal And Anr

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 22-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0234

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Final Decision : Allowed

Judgement

The matter is taken up through video conferencing. No one turns up on behalf of the parties.

The petitioners are directed to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

Apprehending their arrest in connection with Complaint Case No.97 of 2020 instituted under Sections 47 (a) and 55 of the Excise Act, the petitioners

have moved this Court for grant of privileges of anticipatory bail.

Perusal of the record reveals that the allegation against the petitioners is that the petitioner No.1 is a lady who is the proprietor of Beniwal Logistics

which was carrying on the business of transportation and it is alleged that her vehicle bearing registration No. UP 21 BN 8181 was loaded with huge

amount of foreign liquor for being sold in Arunachal Pradesh and it has been averred in the petition that the said consignment has been booked by

Recard India Pvt. Ltd. and the consignee was M/s. Majestic Bonded W/H Banderdwewa and upon valid permit, the said vehicle was left from the

premises of the petitioner No.1 and the petitioner No.2 is the owner of the said vehicle. It has been averred in the instant anticipatory bail application

that the allegation against the petitioners is false. It has next been averred that the said vehicle was plying under the control of the driver and the

petitioners were no way aware about the occurrence and the electronic seal which was done at the premises of the petitioner No.1, was found broken

which suggests that these petitioners are not involved in any misdeed. It has been also averred in para-21 of the instant bail application that the

petitioners are ready and willing to abide by any terms and conditions imposed upon them by this Court.

Considering the facts of the case, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to

surrender in the Court of learned A.C.J.M., Lohardaga within six weeks from today and in the event of their arrest or surrendering, they will be

enlarged on bail on depositing Rs.10,000/-(Rupees ten thousand) each as cash security and on furnishing bail bond of Rs.25,000/- (Twenty five

thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Lohardaga in connection with Complaint Case

No.97 of 2020 with the condition that they will co-operate with the trial of the case and subject to the conditions as laid down under Section 438(2) of

the Code of Criminal Procedure.