

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20582 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -PALIGANJ District- PATNA

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1. Bhuneshwar Mistry Son of Late Sukhdeo Mistry @ Suryadeo Mistry,
Resident of Village - Ankuri, P.S. - Paliganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015

The petitioner is apprehending his arrest in connection with Paliganj PS case No. 69/2015 for the offence under section 414 of the Indian Penal Code, Section 33 of Indian Forest Act and Section 14 of Bihar Saw Mills (Regulation) Act, 1990.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the informant on 13.04.2015 received information that an illegal saw mill is running at Paliganj and illegal wood has been stored, a raid was carried. During the course of raid 85 pieces of logs of wood, saw mill and trolley machines were seized and it was transpired that the same belonged to petitioner. The operation of illegal saw mill is punishable under the provisions of Bihar Saw Mill (Regulation) Act, 1990 and the same is liable to be confiscated.

It has been submitted on behalf of the petitioner that

the petitioner has no criminal antecedent. Further, it has been submitted that allegation of running illegal saw mill by the petitioner is a mistake of fact. As the petitioner is running the said saw mill in pursuance to annexure-2, i.e., an order passed by this court in CWJC No. 12218 of 2008 on 16.09.2008. It has further been submitted that the said order passed in the aforesaid writ is still in force and no final order has yet been promulgated hence the labeled sections are not applicable in case of the petitioner.

On behalf of the State it has been submitted that the petitioners are named in the first information report.

Considering the fact that the petitioner is running the saw mill in pursuance to annexure-2, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Danapur in connection with Paliganj PS case No. 69/ 2015, subject to condition as laid down under section 438(2) of the Cr. P.C.

(Sudhir Singh, J)

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