

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 531 of 2015

Vijay Kumar Agrawal S/o Late Jagat Ram Agrawal Aged About 48 years Occupation- Business, Proprietor- Nipun Stone Crasher Udhog, Village- Mirzapur, Ambikapur Road, Pathalgaon, District- Jashpur, Chhattisgarh, R/o Ambikapur Road Pathalgaon, Post, P.S. & Tahsil- Pathalgaon, Revenue And Civil District- Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Dharamjaigarh, Revenue And Civil District- Jashpur, Chhattisgarh

---- Respondent

For Applicant	: Shri Surfaraj Khan, Advocate.
For Respondent/State	: Ms. Shubha Shrivastava, Panel Lawyer.

Order On Board

09/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.134/15 registered at police station – Dharamjaigarh, Distt- Raigarh, CG. For alleged commission of offence under Section 379 of IPC and Section 4 (1) (21) of the Mines and Minerals (Development & Regulation) Act, 1957.

2. Prosecution case is that the driver of the applicant was found illegally transporting Quartz minor mineral in the vehicle of the applicant and at the spot, no document of valid possession was produced.

3. Learned counsel for the applicant submits that the applicant is duly licensed to operate stone crusher and for that purpose, extracted stone. The transportation was under a valid transit permit. He submits that only because at the spot, driver could not show valid possession of the mineral, offence has been registered. It is submitted that the applicant has not violated any law.

4. On the other hand, learned State counsel submits that when the vehicle carrying stone was intercepted, no documents of valid possession were found.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the documents on record relate to applicant's registration, transit pass and purchase bills, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge