

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28170 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -NARDIGANJ District- NAWADA

Subhash Prasad son of Sri Krishna Prasad R/o village- Saidi P.S. Noorsarai,
District- Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned Additional P.P. for the State.

The petitioner is apprehending his arrest in a case registered under Section 379 of the IPC and Section 40 of the Bihar Mines and Mineral Concession Rules, 1972 including Section 8 of the Bihar Illegal Mining Transporting Storage Rules, 2003.

The prosecution case is that in pursuance of the direction of the Environment Department the informant having received an information that the sand was being transported reached at the spot and six trucks were intercepted, out of which two trucks were loaded with sand and other four were partly loaded. The petitioner's truck is one them bearing registration no.BR01GB-

1574.

It is submitted by learned counsel that nothing was loaded in the truck of the petitioner which is apparent from the FIR itself. It is further submitted that the seizure list also suggests that the truck of the petitioner was found empty but subsequently it was added that empty truck was being loaded with sand. It is also submitted that the petitioner has no criminal antecedent as stated in paragraph-3 of the petition.

In the facts and circumstances of the case, it is a case for consideration of the prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Nardiganj P.S.Case No. 26 of 2016, pending in the court of the learned Chief Judicial Magistrate, Nawada. It is expected from the learned court below to dispose of the application preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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