

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 4915 of 2016

District : Latur

1. Hajimalang s/o. Babu Shaikh,
Age : 33 years,
Occupation : Driver,
R/o. Shivur,
Taluka : Nilanga,
District : Latur.
2. Ahemad Husen Shaikh (Sayyad),
Age : 19 years,
Occupation : Labourer,
R/o. Zari,
Taluka : Nilanga,
District : Latur.
3. Maroti s/o. Baliram Nagde,
Age : 38 years,
Occupation : Agriculture,
R/o. Nilanga,
Taluka : Nilanga,
District : Latur.
4. Ram s/o. Raosaheb Bhande,
Age : 35 years,
Occupation : Agriculture,
R/o. Nilanga,
Taluka : Nilanga,
District : Latur.
5. Chand Mahemudsab Sayyad,
Age : 42 years,
Occupation : Business,
R/o. Shivur,
Taluka : Nilanga,
District : Latur.

.. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Deoni,
Taluka : Deoni,
District : Latur.

.. Respondent.

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Mr. S.M. Vibhute, Advocate, for applicants.

*Mr. S.J. Salgare, Addl. Public Prosecutor, for the
respondent.*

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CORAM : A.M. BADAR, J.

DATE : 21ST SEPTEMBER 2016

ORAL ORDER:

Applicants / accused in Crime No. 158/2016 for offences punishable under Sections 420, 379, read with Section 34 of the Indian Penal Code and under Sections 9 & 15 of the Environment (Protection) Act, 1986, registered with Police Station, Deoni, District Latur, by this application, is seeking pre-arrest bail.

2. By drawing my attention to para 10 of the application which is on affidavit, the learned Counsel for the applicant submitted that at the time of seizure of the truck, the transit passes meant for transportation of minor mineral i.e. sand were also seized by Police. Applicants have categorically mentioned numbers of transit passes seized by Police,

in para 10 of the application.

3. Upon being questioned on this aspect, the learned Addl. Public Prosecutor is unable to counter the averment made on affidavit by applicants.

4. The learned Addl. Public Prosecutor opposed the application by contending that contract of Sand Ghat at some other spot was granted to the real brother of applicant no.5 but the sand which was extracted was from some other spot.

5. What is stated by the learned Addl. Public Prosecutor is not relevant. What is relevant is, whether the minor mineral was transported by using transit passes bearing Nos. 826, 827 and 829, issued by the District Mining Officer, Latur, which are annexed to the present application, with categorical statement on affidavit that those transit passes were seized by the Police at the time of interception of the truck in question. If that is so, custodial interrogation of applicants is not warranted.

6. Hence, I pass the following order :-

The Application is allowed and the order dated 31st August 2016, granting ad interim anticipatory bail to applicants, is confirmed on the same terms and conditions.

7. The Application stands disposed of in the
aforesaid terms.

(A.M. BADAR)
JUDGE

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