

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50259 of 2017

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Balwan Bhama, Son of Late Manohar Lal Bhama, Director of M/s Vaishno Devi Traders (P) Ltd. N.H. 31, Beltola, Guwahati, resident of Street No. 8 B, Kothari Complex, N.H. 37, P.S.- Basistha, District- Kamrup, Assam.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 04-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Sarsi P.S. Case No.03 of 2017 instituted for the offence under Sections 4(1), 4-1(A), 21(1), 21(2) Mines and Minerals (D & R) Act read with Bihar Minerals (Prevention of Illegal Mining Transportation and Storage) Rules, 2003.

It is alleged against the petitioner that during inspection of two trucks the driver did not produce Mineral Transport Challan.

Learned counsel for the petitioner has submitted that petitioner is one of the Director of M/s Vaishno Devi Traders (P) Ltd. engaged in trade of coal and has been recognized as Coal Depot by the Guwahati Municipal Corporation and Trade License has also been issued in this regard. Learned counsel for the petitioner has pointed out Annexures 4 and 7 and has submitted



that the Mineral Transport Challan, Royalty paid receipt were shown to the informant but was returned to the driver. The petitioner has enclosed the copy of these documents of Annexures 4 and 7.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, namely above, within six weeks from today, in connection with Sarsi P.S. Case No.03 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Shri Rohit Kumar, J.M. 1st Class, Purnea, subject to the conditions as laid down under Section 438(2) Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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