

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60072 of 2017

Arising Out of PS. Case No.-33 Year-2017 Thana- KHUDWAN District- Aurangabad

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Mohan Kumar @ Shambhu Shakti @ Suman, Son of Malik Chand Sao,
Resident of Village- Ram Nagar, P.S.- Khudwan, District- Aurangabad,
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakib Ayaz

For the Opposite Party/s : Mrs. ASHA DEVI

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
Special P.P., Mines.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 379 and 411/34 of the IPC and Rules 3, 4 and 5 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules.

The prosecution case is that the S.H.O., Khudwan Police Station received an intelligence input that sand is being trafficked illegally, hence he directed the informant Lalan Singh, being the ASI, Khudwa Police Station to enquire into the matter. When the informant, along with the other police personnel reached at Bhawani Sthan, Ramnagar, they saw two tractors without number plate, being loaded with sand. Hence, both the



tractors were seized. The petitioner is the owner-cum-driver of one of the seized tractors.

It is submitted by learned counsel for the petitioner that the sand was being transported on the basis of valid challan, which has been brought on record as Annexure-2 (series). A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P.P., Mines that no challan was produced when the seizure was made.

Considering the nature of accusation and the fact that the sand was being transported on the basis of valid challan, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Khudwan P.S. Case No. 33 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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