

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59905 of 2017

Arising Out of PS. Case No.-520 Year-2017 Thana- BIHTA District- Patna

=====

Ghasnshyam Purohit, Son of Baldeo Das Purohit, 7/1 Tagore Tassel Street,
Kolkata (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Opposite Party/s : Mrs. ANUSUIYA JAISWAL

=====

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 Sections 147, 148, 149, 406, 379, 201 and 120B of the IPC, Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1975, Section 4/40 of the Bihar Mines Minerals Concession Rules, 1972 and Section 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case as per the written report of Manoj Ambast, Assistant Director, Mines Office, Patna is to the effect that the informant along with other mining official reached Amanabad area and found that several Poklen machines are loading sands on boat. On arrival of the police, the boatmen



escaped from the scene and some of the drivers of the Poklen also tried to flee away, but the police personnel arrested six Poklen drivers and also seized 29 Poklen machines. The petitioner is the owner of one of the seized Poklen machine.

It is submitted by learned counsel for the petitioner that nothing incriminating has been seized, which suggests that illegal mining was being done at the behest of the petitioner. Moreover, admittedly, the petitioner was not present on the place of occurrence. The petitioner has adequately been punished since his Poklen machine is under seizure causing constant loss to the petitioner.

It is submitted by learned Special P.P., Mines that illegal mining and use of Poklen for conducting mining are causing environmental imbalance. The petitioner is also accused in one other case of similar nature.

Considering the fact that the petitioner was not present when the seizure was made and similarly situated accused Niranjana Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 51436 of 2017, 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 ACJM, Danapur (Patna) in connection with Bihta P.S. Case No. 520 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

