

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61868 of 2017

Arising Out of PS. Case No.-120 Year-2017 Thana- SANGRAMPUR District- Munger

Navin Singh @ Navin Kumar Singh, S/o Baidyanath Singh @ Baidyanath Prasad Singh @ Baijnath Prasad Singh, R/o Village- Khapra, P.S.- Tetiabamber (Sangrampur), District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. SRI ABHAY KUMAR – 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned Counsels for the petitioner and learned Special PP for the Mines.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Rules 4/40 of the Bihar Minor Mineral Concession Rules, 1972.

Prosecution case as per the written report of Ratnesh Kumar, S.I. Tetiabammer (Sangrampur) is to the effect that on 08.09.2017, at 9.45 AM, the informant received secret information that sands are illegally being transported. Consequently, a raid was led and a tractor bearing registration number. BR46G-0334 was intercepted which was loaded with sands. The driver tried to escape from the scene, but



subsequently he was caught and disclosed his name as Nitish Kumar and further disclosed the name of the owner of tractor as Navin Singh, the petitioner.

It is submitted by learned counsel for the petitioner that the name of the driver of the tractor is Dhananjay Kumar Singh and the boy was sitting on the tractor and hence he was intercepted and maliciously impleaded, treating him as driver of the tractor. The stones were being carried on the basis of valid Challan. A statement to that effect has been made in paragraph no.7 of the petition. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned Special PP appearing for the Mines Department submits that the sands are being transported illegally without any Challan as no Challan was produced at the time of seizure.

Considering the nature of accusation and the claim of the petitioner that the sands were being transported under valid Challan, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court



below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Munger, in connection with Sangrampur (Tetiabamber) P.S. Case No.120 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned Court below on production of valid Challan, otherwise, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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