

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46335 of 2017

Arising Out of PS.Case No. -165 Year- 2017 Thana -NABINAGAR District- AURANGABAD

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1. Kamlesh Kumar Son of Vijay Ram, R/o Village- Bhawano Khap, P.S.-
Nabinagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh
For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-09-2017 Heard the parties.

 This application, for grant of anticipatory bail, arises
out of Nabinagar P.S. Case No. 165 of 2017 disclosing
offences under Section 379 of the Indian Penal Code and
Section 40 of Miner Minerals Concession Rules.

 The petitioner was driving the tractor which was not
registered. Registration was applied for. From the said tractor
the police seized sand, which is said to have been illegally
loaded from the Son river.

 Learned counsel for the petitioner has submitted that
the petitioner was carrying necessary papers in support of
carriage of the said sand. The police authority has no power
to seize the sand. It has further been submitted that the
petitioner has no criminal antecedent.



Considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Aurangabad in connection with Nabinagar P.S. Case No. 165 of 2017 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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