

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61723 of 2017

Arising Out of PS. Case No.-25 Year-2017 Thana- BARUN District- Aurangabad

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1. Guddu Kumar Paswan, S/o Sudama Paswan, R/o Village-Sheopur, Ahirawali, P.S.- Darihat, District- Rohtas.
 2. Sonu Kumar Upadhyay S/o Ramanand Upadhyay, R/o Village-Patratu Basti, Ramgardh (Ramgadh) Cant, P.S.- Ramgagh, District- (Ramgadh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamla Kant Pandey, Adv.
For the Mines	:	Mr. Naresh Dixit, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379/411/420/120B of the Indian Penal Code, Rules 3,4,5 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Sections 33,41,42 of the Indian Forest Act.

Prosecution case as per the self-statement of Abhay Shankar Singh, Sub-Inspector of Police is to the effect that on 05.02.2017, the informant while conducting vehicle check, intercepted a truck bearing Registration No. JH 02K3809, but



the driver escaped from the scene. The truck was loaded with stone-chips. Hence, the seizure was made.

It is submitted by learned counsel for the petitioners that the petitioner no.1 is driver and petitioner no.2 is owner of the vehicle in question. The stone-chips were being transported on the basis of valid Challan. A statement to that effect has been made in paragraph no.8 of the petition. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Considering the fact that it is claimed by the petitioners that it was being carried under valid Challan and petitioner no.2 being the owner was not present on the place of seizure, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad, in connection with Baroon P.S. Case No.25 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The bail bond of petitioner no.1, Guddu Kumar Paswan, will be accepted only on production of the valid Challan, if he fails to produce the same, then he will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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