

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57769 of 2017

Arising Out of PS.Case No. -245 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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Vikash Paswan, S/o Phudan Paswan, R/o Village- Makanpur, P.S.-
Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with Deepnagar P.S. Case No.245 of 2017 registered under Sections 379 and 188 of the Indian Penal Code besides Sections 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 8 of the Bihar (Prevention of Illegal Mining, Transportation and Storage) Act, 2003.

The accusation is that in course of checking of carrying the illegal sand, the informant being the Assistant Director, Mines and Minerals, Nalanda, proceeded for checking of the vehicle at N.H.110 then a tractor bearing Registration No.BR-21G-1107 attached with trailer loaded with sand was found. On query, the persons, present there, disclosed the name of the owner and the driver of the tractor as



Babloo @ Sudhir and Vikash Paswan (petitioner) respectively.

Learned counsel for the petitioner submits that, in fact, the petitioner being the driver of the tractor loaded the sand on the trailer on the basis of the Challan as issued on 11.08.2017 proceeded for destination but, in the way, the petitioner stopped the tractor attached with trailer loaded with sand and moved for sometime from there and, in the meantime, the tractor attached with trailer loaded with sand was seized. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Deepnagar P.S. Case No.245 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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