

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61827 of 2017

Arising Out of PS. Case No.-132 Year-2017 Thana- KOCHAS District- Rohtas

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Promod Dubey @ Promod Kumar Dubey S/o Prem Dubey @ Prem Shankar Dubey, R/o Village- Narbatpur, Causa, near Pani Tanki , P.S.- Buxar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : SRI SHYAM KUMAR SINGH, APP

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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 379/411/341/323/353/34 of the Indian Penal Code, Rules 40(1) of the Bihar Minor Mineral Concession Rules, 1972 and Sections 33/41/42/52 of the Indian Forest Act.

Prosecution case is that on 08.09.2017 at 13.45 PM in the course of vehicle check being conducted by the Police Sub-Inspector Dinesh Kumar, a truck bearing Registration No. BR44Q/9723 was intercepted and found loaded with stone chips, proceeding to Kochas from Sasaram. The driver of the truck conveyed the name of the truck owner as Pramod Dubey.



Though 4-5 persons came and forcefully tried to get the vehicle released. But the vehicle was ultimately seized, however, the persons who attempted to get the vehicle released, managed to escape from the place for seizure.

It is submitted by learned Counsel for the petitioner that admittedly the petitioner was not present at the place of occurrence and the truck was carrying stone chips on the basis of valid challan, which has been brought on record as Annexure-3. The truck in question is having a national permit, the same has been brought as Annexure-2. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the nature of accusation and statement of the petitioner that the stone chips were being transported under a valid Challan, moreover it is not in dispute that the petitioner was not present at the place of seizure, 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 CJM, Rohtas at Sasaram, in connection with Kochas P.S. Case No.132 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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