

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61558 of 2017

Arising Out of PS. Case No.-329 Year-2017 Thana- NABINAGAR District- Aurangabad

1. Md. Aslam, S/o Usuf Ansari, R/o Village- Murauli, Bujurg, P.S.- Kutumba, District- Aurangabad.
2. Jitendra Yadav S/o Prasad Yadav, R/o Village- Kulahis, P.S.- Hariharganj, District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Adv.
For the State	:	Dr. Kumar Uday Pratap, APP
for the Mines	:	Mr. Naresh Dixit, Spl PP
		Mr. Lalan Kumar, AC to Spl PP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 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 of the Indian Penal Code and Section 40 of the Bihar Minor Minerals Concession Rules, 1972.

The prosecution case is that on 06.11.2017, the informant Bindhyachal Prasad SHO of Nabinagar Police Station intercepted three tractors loaded with sands, the drivers did not produce any valid paper with regard to transportation of sands.



Hence, Chandan Kumar Yadav, Sanjay Yadav and Ashok Ram were apprehended. The apprehended accused persons suggested that they were carrying the sands on the dictation of their respective owners. Petitioners are the owners of the two tractors.

It is submitted by learned counsel for the petitioners that admittedly no recovery has been made from the petitioners. The drivers of the tractors in order to save their skin have named the petitioners. The petitioners were not aware about the sand being loaded for transportation on the tractors. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the transportation of sand was made without valid paper and the petitioners are owner of the tractors seized.

Considering the fact that it is not in dispute that the petitioners were not present on the spot when the seizure was made 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 Nabinagar P.S.
Case No.329 of 2017, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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