

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27176 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- BARUN District- Aurangabad

-
1. Ram Pravesh Singh S/o Late Bhaju Singh R/o Village - Khaira, P.O. - P.S. - Barun, District - Aurangabad (Bihar).
 2. Shankar Singh @ Shankar Kumar Singh S/o Bishnu Singh R/o Village + P.O. - Malu Khaira, P.S. - Barun, District - Aurangabad (Bihar).
 3. Mahmud Ansari S/o Jamaluddin Ansari
 4. Shamim Ansari S/o Mahmud Ansari Both 3 and 4 are R/o Village - Barun, P.O. + P.S. - Barun, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh
For the Opposite Party/s : Mr. Sri Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioners and learned counsel for the Department of Mines.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 379 and 420/34 of the IPC and sections 4/40 of Bihar Minor Mineral Concession Rules, 1972 and Section 15 of Prevention of Pollution Act.

The prosecution case as per the written report of the Mining Development Officer, Aurangabad dated 1.4.2018 submitted to the SHO, Barun Police Station is to the effect that on 1.4.2018 under the leadership of the District Magistrate, Aurangabad, Kochar sand ghat was raided where 35 tractors



were found loaded with sand but on the arrival of police, after unloading the sand the tractor drivers started escaping from the scene with tractors. However, on chase, 29 empty tractors were seized and rest managed to escape.

It is submitted by learned counsel for the petitioners that petitioner nos. 1 and 3 are owners of the tractors and petitioner nos. 2 and 4 are drivers of some of the seized tractors. Admittedly the empty tractors were seized maliciously as the accusation appears to be unreasonable inasmuch as when the raiding team reached on the spot, they saw the sand from the tractors being unloaded. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the Mines submitted that due to illegal mining, huge loss is being caused to the State Government and admittedly in the present case the petitioners had no valid challan for carrying sand.

Considering the fact that the empty tractors were seized and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Aurangabad in connection with Barun P.S. Case No.69 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

