

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62090 of 2018

Arising Out of PS. Case No.-136 Year-2018 Thana- BARUN District- Aurangabad

Munilal Singh, S/o Dharamdev Singh, R/o Village- Chura, P.S.- Barun,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary cum Commissioner Department of Mines and Geology, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh
For Mining Deptt.	:	Mr. Naresh Dikshit & Kalpana

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379,411 and 420/34 of the IPC and Sections 4/40 of Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of Environment Protection Act, 1986.

The prosecution case is that on 11.7.2018, on the order of the District Magistrate, Aurangabad, Rajesh Ranjan Jha, Mining Development Officer, Aurangabad conducted raid and intercepted nine tractors while transporting sand illegally. Petitioner's tractor was one of the intercepted tractors.

It is submitted by learned counsel for the petitioner that petitioner is the driver of the tractor and virtually no sand was



found loaded and only the residue of unloaded sand was found on the tractor and due to suspicion the accusation has been levelled. It is further submitted that other co-accused have been granted anticipatory bail by different Benches of this Court in Cr. Misc. Nos. 47179 of 2018 and 50793 of 2018.

Learned counsel for the Mines submits that due to illegal transportation of sand, huge loss is being caused to the public exchequer.

Considering the nature of accusation and the fact that co-accused have been granted anticipatory bail, let the petitioner 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.136 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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