

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20032 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- DEORIYA District- Muzaffarpur

Lallu Prasad, S/o Sri Shiv Nandan Prasad, R/o Village- Lalgadh, P.S.- Bettiah
Muffsil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Adv.

For the Opposite Party/s : Mr. Naresh Dikshit, Special P. P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned Counsels for the petitioner and Special PP
Mines.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 188, 379, 411 of the I.P.C, Sections 4/40 the Bihar Minor Mineral Concession Rules, 1972 and Sections 3, 8(d) of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case got initiated on the basis of written report of Pramod Kumar, Mines Inspector, Muzaffarpur, dated 20.01.2018 submitted to the Station House Officer, Deoriya, Police Station to the effect that on 20.01.2018, at 9.00 A.M., during the vehicle check, a truck loaded with 350 CFT sand bearing registration no. BR06GB-4800, was intercepted and found that such transportation was being made without any valid challan/permit when the driver managed to escape, leading



to registration of the present case.

It is submitted by learned counsel for the petitioner that the sand was being transported under a valid Challan, but the truck which was carrying the sand broke down hence, the sand was unloaded and thereafter, it was reloaded on the truck of the petitioner. The petitioner is the owner of the truck and admittedly he was not present on the place of seizure. Moreover, he has no knowledge about such transportation. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P.P. Mines that the transportation of sand without valid Challan/permit is causing huge loss to the public exchequer.

Considering the nature of accusation and even as per the prosecution case, the petitioner was neither driving the truck in question, nor he was present on the truck at the time 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 Judicial



Magistrate, 1st Class, Muzaffarpur, in connection with Deoriya
P.S. Case No.08 of 2018, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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