

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6474 of 2018

Arising Out of PS. Case No.-697 Year-2017 Thana- BANKA District- Banka

Dilip Kumar, S/o Late Chandra Mohan Prasad Gupta, Resident of Village-
Makandpur, P.S. Naugachhia, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Assistant Director, Mines and Geology Department, Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Mukherjee
For the Opposite Party/s :	Mr. RAMCHANDRA SINGH
For the Mining Deptt. :	Mr. Naresh Dixit & Kalpana

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379/411 of the IPC, Sections 4/21(1), 4/21(4A) of the Mines and Mineral (Development and Regulation) Act, 1957 and Rules 13/75, and 13/102 of the Bihar Minor Mineral Rules and Rules, 2017.

The prosecution case as per the written report of the Mines Development Officer, Banka, addressed to the S.H.O., Barahat Police Station is to the effect that on 18.10.2017 at 11.30 A.M. the informant along with police force was checking illegal trafficking of mines, when a truck bearing registration number JH 02 P 3169 was intercepted. Though the challan was produced suggesting permit of 400 cubic ft. sand but it appeared to the



informant that the challan is old one and the truck was loaded with the sand disproportionate to the permitted quantity.

It is submitted by learned counsel for the petitioner that this is not in dispute that the challan was shown to the authority. There is nothing on record to suggest that the sand loaded on the truck was disproportionate to the quantity mentioned in the challan and the same has been alleged on the basis of speculation, as the weight of the truck was not taken. Admittedly, the petitioner was not present at the place of seizure. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, it is submitted that the operation of the Bihar Minor Mineral Rules has been stayed by a bench of this court.

Learned Special P.P. submits that the accusation against the petitioner is of transporting of mines of without valid challan which caused loss to the State exchequer.

Considering the accusation basically based on speculation and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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, Banka in
connection with Banka (Barahat) P.S. Case No.697 of 2017
subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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