

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42697 of 2018

Arising Out of PS.Case No. -116 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Md. Kalam Ansari @ Mohammad Kalam Ansari, S/o Mohammad Abdul Rehman, R/o Village- Keshopur, P.S.- Barun, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary Cum Commissioner Department of Mines And Geology Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Barun P.S.Case no.116 of 2018 /34 of the Indian Penal Code and Section 4/40 of Bihar Mines and Mineral Concession Rule and 15 of Prevention of Pollution Act, 1986.

Allegation against the petitioners who happen to be owner of the tractor is that their tractor along with several other tractors were intercepted by the police carrying illegal sand.

Submission of the learned counsel for the petitioner is that they were transporting sand from one place to another and they have valid challan but could not produce at the time of raid.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and



circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Aurangabad in connection with Barun P.S.Case No.116 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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