

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1794 of 2019

Arising Out of PS. Case No.-579 Year-2018 Thana- JAYNAGAR District- Madhubani

Zakir Hussain @ Zakir Mian @ Md. Zakir, son of Late Md. Islam, Resident
of village-Islampur Behlva Tola, P.S.-Jainagar, District – Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Respondent/s : Mr.Sri Atul Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and the
State..

The petitioner apprehending his arrest in connection with Jainagar P.S. Case No.579 of 2018 registered for the offence punishable under Sections 188, 379 and 411 of the Indian Penal Code and 21, 40 of the Mines & Minerals Act.

Prosecution case as per the written report of the Circle Officer, Jainagar that on 13.10.2018, the information was received that in the embankment of Kamala river near Islampur, sand was being transported illegally from one place to another. Consequently, raid was conducted and two tractors loaded with sand were intercepted. The driver of the tractor disclosed the name of the petitioner, as the person who handed over the sand.



Learned counsel for the petitioner submits that the recovery has not been made from conscious physical possession of the petitioner. He further submits he had taken the settlement of Balughat till the year 2014 and thereafter, he left the work of the mining and not participated in bid of the Balughat.

Learned counsel for the A.P.P. has vehemently opposed the prayer for bail and submitted that illegal transport of sand is caused loss to the public exchequer.

Considering the nature of accusation made against the petitioner and also the fact that the recovery not being made from the petitioner, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Madhubani in connection with Jainagar P.S. Case No.579 of 2018.

(Dinesh Kumar Singh, J)

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