

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29366 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- BARUN District- Aurangabad

1. ANAND MOHAN YADAV Son of Jangali Yadav Resident of 1-95 Seehabeer, Golaghat, Vitti, P.S.- Ramnagar, Dist. - Varanasi, Uttar Pradesh (Owner of Truck No. UP65AT / 6003)
2. Sanjay Kumar @ Sanjay Son of Rajnath Yadav Resident of Chamerbandh, Shamsheerpur, Naugarh, P.S. - Chakarghatta Chakia, District Chandauli, Uttar Pradesh (Driver of Truck no. UP65AT /6003)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Purushotam Sharma
For the State		Mr.Shantanu Kumar
For the Mines		Mr Naresh Dixit
		Mr Brij Bihari Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 14-05-2019 This is an application for grant of anticipatory bail to the petitioners in connection with Barun P.S. Case No. 56 of 2019, disclosing offences under Sections 379, 411 and 420/34 of the Indian Penal Code, including 4 and 40 of Bihar Mineral Rules, besides Section 15 of the Environment Protection Act.

In compliance of the order of this Court, the District Mining Development Officer, Aurangabad is personally present.

Mr. Naresh Dixit represents the said officer and explains the way a Challan, even if validly issued for transportation, is likely to be misused and, therefore, it is mandatory for a person to possess a duly issued Challan in support thereof. A Challan, he submits, is valid for 48 hours. He contends that on the basis of one Challan, in respect of one vehicle for carriage of sand once from one place to another, the



persons involved in illegal mining use the Challans for many trips, in the event the vehicle is seized with the sand, they rely on Challan which, though was not in possession with the driver or occupant of the vehicle, when the sand was, in fact, being carried as their defence.

Learned counsel for the petitioners has submitted that carriage of sand cannot be said to be illegal since there was a valid Challan.

It is alleged in the FIR that the petitioner had fled away, leaving the sand and the vehicle, which came to be seized by the Mining Official(s). No Challan was produced at the time of seizure.

The very fact that the petitioners fled away from the place indicates that they were not having at particular point of time a Challan, which made them to flee away.

It transpires on the basis of what has been argued on behalf of the petitioners and materials, which are there on records, that the things are being done in a planned manner to defeat the provisions of Minor Mineral Concession Rules.

The application is accordingly dismissed.

The petitioners are directed to surrender in the court below within four weeks from today and seek regular bail, if so



advised. If they do so, the court below shall consider their prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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