

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41052 of 2019**

Arising Out of PS. Case No.-10 Year-2019 Thana- KATORIYA District- Banka

JALANDHAR YADAV @ JALDHAR YADAV S/o Laxman Yadav @
Laxman Mahto Resident of Bhaluwa, P.S.- Katoriha, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 03-07-2019 This application, for grant of anticipatory bail, arises out of Katoria P.S. Case No. 10 of 2019, disclosing offences under Sections 379 and 411 of the Indian Penal Code and Section 4/40 of B.M.M.C. Rules 1972 and 4/21 M.M.R. D. Act, 1957 and 37 (b) of Bihar Prohibition and Excise Act.

Allegation as per F.I.R. is that police on information that some persons are illegally transporting the sand on their tractors raided the place, on which, accused persons started fleeing away, however, one of the accused, who is the driver of tractor of the petitioner, was caught and he was found in drunken condition and on his tractor nominal quantity of sand was found. Petitioner happens to be owner of the said tractor.

Submission of learned counsel for the petitioner is the owner of the tractor and he has falsely been implicated in



this case and he has nothing to do with the act of the driver and the seizure list itself shows that only nominal quantity of sand was found loaded in the tractor.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additonal District & Sessions Judge, Excise, Banka, in connection with Katoria P.S. Case No. 10 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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