

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50305 of 2019

Arising Out of PS. Case No.-81 Year-2018 Thana- LAURIA District- West Champaran

MD. MUSTAQUEEM Son of Md. Salim Resident of Village - Lauriya
Bengali Tola, P.S.- Lauriya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Lauriya P.S. Case No. 81 of 2018, disclosing the offence under Section 414 of the Indian Penal Code, Section 4/40 of Bihar Minor Mineral Concession Rule 1972 and Section 8 of Bihar Minor Mineral (Illegal Mining, Transportation, Storage Prevention) Rules, 2003.

Petitioner is admittedly owner of the tractor with trailer bearing Registration No. BR22A-3136 which was found being used for carriage of illegal mine sand.

Learned counsel appearing on behalf of the petitioner has submitted that this is for the first time that petitioner has been implicated in a case constituting offence under the provisions of Bihar Minor Mineral (Illegal Mining, Transportation, Storage Prevention) Rules, 2003. He has



submitted that it was not within his knowledge that his tractor was being used for any illegal purpose. He further submits that in case the petitioner's tractor is found indulging in future in such activities, this Court may consider cancellation of his bail, if he is allowed the privilege of bail.

Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned ACJM-1st, West Champaran at Bettiah in Lauriya P.S. Case No. 81 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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