

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53777 of 2019

Arising Out of PS. Case No.-390 Year-2019 Thana- NAUBATPUR District- Patna

1. GOVERDHAN PRASAD S/o Shiv Lal Prasad @ Shival Prasad Resident of Maharaj Chak, P.S.- Masurhi, Distt.- Patna
2. Bindu Kumar S/o Bal Dev Prasad R/o village- Puranchak, P.S.- Masaurhi, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tilak Sao

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Naubat Pur P.S. Case No.390 of 2019 registered under Sections 379 and 411 of the Indian Penal Code besides Sections 4/40 of the B.M.M.C.R. Act, 1972, Sections 3, 6 and 8 of the B.M. (Prevention) of Illegal Mining, Transportation and Storage Rule, 2003 and Section 15 of the Environmental Protection Act, 1986.

The accusation is of seizing the tractor attached with trolley loaded with illegal extracted sand.

Learned counsel for the petitioners submits that the



petitioners are owner and driver respectively of the seized tractor, attached with trolley loaded with sand. In fact, the petitioner no.2 loaded the sand on the trolley of the tractor after issuing valid Challan, which would appear from Annexure-2 to this application, and proceeded with the sand from the bank of river and parked the tractor attached with trolley loaded with sand inside the road. In the meantime, the tractor attached with trolley loaded with sand was seized. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Danapur, in connection with Naubat Pur P.S. Case No.390 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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