

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84719 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- SANOKHAR District- Bhagalpur

1. MD. SAHEB ALAM Son of Ahsan Ali Resident of Village - Awar Shekh Jagirahan, P.s.- Manjholia, Distt.- Bettiah.
2. Md. Saddam Son of Md. Enam Resident of Village - Gorgaon, P.S.- Hanwara, Distt.- Godda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. The Secretary, Department of Mines and Mineral, Govt. of Bihar, New Secretariat, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-12-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners have been in custody since 16.09.2019 in connection with Sanokhar (Amdanda) P.S. Case No. 122/2019 registered for the offence punishable under Sections 3/6/8 of the Bihar Mineral and Prevention of illegal Mining Transpiration and Storage Rule 2003 and 4/40/49 of BMNC Rule 1972 and Section 15 of the Environmental Prohibition Act.

Learned counsel for the petitioners submits that though the allegation is that the petitioners had picked up mud on their tractor and trailer, these petitioners are poor drivers and



have nothing to do with any loading or unloading, but are required to perform their duties of driving the vehicle. It is further submitted that the petitioners have been languishing in jail since 16.09.2019 and neither any date or time of occurrence has been mentioned in the FIR nor the Khata or Khesra or Mauza from where the alleged mud has been picked up as has been indicated in the seizure-list. It is further submitted that the petitioners have no criminal antecedents.

In view of the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Sanokhar (Amdanda) P.S. Case No. 122/2019.

(Anjana Mishra, J)

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