

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16306 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- BANKA District- Banka

BADAL KUMAR S/o Surendra Gupta R/o village- Mansi Khutia, P.S.-
Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwa Mohan Kumar, Mr. Vijay Shankar Shrivastava, Advocates.
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Brij Bihari Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-11-2020 Heard Mr. Vishwa Mohan Kumar, learned counsel
for the petitioner and Mr. Brij Bihari Tiwari, learned counsel
appearing for Mining Department and Mr. Navin Kumar Pandey
Additional Public Prosecutor for the state through video
conferencing.

2. Petitioner apprehends his arrest in connection with
Banka PS Case No. 105/2020 registered for the offence
punishable under Sections 379, 411 of the IPC, Section 8 of
BMPIMS Rule, 2003 amended 2014, Section 40 of BMMC
Rules, 1972, Section 21 MM (D&R) Act, 1957 and Section 15
of Environmental Protection Act, 1986.

3. The allegation against the petitioner is that a truck
owned by him was intercepted and driver with cleaner of the
said truck managed to escape, however, from the truck 750



Ghan Feet (CFT) of illegally mined sand was recovered.

4. Learned counsel for the petitioner submits that the petitioner is owner of the truck in question which was being driven by the driver and Khalasi, and the petitioner being owner was not aware about the materials loaded in the said truck.

5. Learned counsel further submits that as per allegation made against the petitioner in the FIR, at best, the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, will be applicable which came into force on 17.09.2019 and from perusal of Section 56 of the said Rule, it would be evident that a fine of Rs. 10,000/- can be imposed and value of seized minerals can be recovered.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is the owner of the truck which was being driven by driver, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, BADAL KUMAR shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in



connection with Banka PS Case No. 105/2020, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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