

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17516 of 2020**

Naveen Kumar Jha son of Prushottam Jha, R/o Mohalla- Simra Bagan
Hridayganj, Katihar, P.S.- Sahayak Thana (Katihar), District- Katihar
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Pawan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 07-08-2020 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and Mr. Khurshid Anwar, learned APP for
the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Banka P.S. Case No. 105 of 2020 registered for
the offences punishable under Sections 379, 411 of the Indian Penal
Code, Sections 8BM, PIMS Rule 2003 Amendment 2014 and Section
40 BMMC Rule 1972 and 2/MMRD Act 1957 and 15 FE Act 1986.

Learned Senior Counsel for the petitioner submits that as
per the First Information Report the Mines Development Officer
-cum- In-charge Mines Inspector intercepted three trucks loaded with
sand and in course of inquiry he found that none of those trucks were
having any challan. The Mining Inspector seized the vehicles loaded
with the sand and lodged the present First Information Report. This
petitioner is one of the trucks owner. The allegation against him is



that he was involved in business of extraction of sand illegally, storage thereof and selling of the same after transportation. It is alleged in the First Information Report that the truck owners are involved in doing this illegal act of extraction of sand illegally and transporting them on regular basis.

Learned Senior Counsel submits that so far as this petitioner is concerned, he was not present on the truck when the truck was intercepted. It is also his submission that the petitioner has got no criminal antecedent. Learned Senior Counsel has further submitted that on perusal of the First Information Report it does not appear as to which provision of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 read with MM (DFR) Act 1957 and the Environment Protection Act, 1986 has been violated.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that on perusal of the First Information Report it would appear that the petitioner being owner of the truck has been allegedly involved in extraction of sand illegally, storage thereof and transportation through his truck and, therefore, the petitioner is involved in illegal mining of sand which is causing loss to the nation as a whole. It is submitted that the natural resource such as sand is being extracted illegally which is in the nature of an economic offence.

Learned APP has also submitted that in several judicial



pronouncements the Hon'ble Court as well as the Hon'ble Apex Court has taken note of the national loss which is being caused by illegal extraction of sand.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the petitioner is the owner of the truck and when his truck was intercepted by the Mining Inspector loaded with about 850 cubic feet of sand, the driver and khalasi were unable to produce any challan in respect of the said sand whereupon the truck has been seized and the present FIR has been lodged, this Court has also noticed the submission of learned APP for the State that the sand is a natural resource which is being extracted illegally and the same is being stored and transported causing huge loss to the nation as a whole and is in the nature of economic offence, in these circumstances the Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

