

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17432 of 2020**

1. Birendra Kumar Singh, son of Sri Girish Kumar Singh, resident of Village-Ramchua, P.S.-Shambhuganj, District-Banka.
2. Amarjeet Ram, son of Sri Rajendra Ram, resident of Village-Pahari Khajuri, P.S.-Shambhuganj, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Chaudhary, Adv. Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

2 22-07-2020 Heard Mr. Ashok Kumar Chaudhary, learned counsel
for the petitioners and Mr. Bishweshwar Ram, learned APP for
the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Shambhuganj P.S. Case No.19/2020 registered for the offences punishable under Sections 379/411 of the Indian Penal Code, Rule 40 of Bihar Minor Mineral Concession Rules, 1972, Rule 8 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Section 15 of Forest and Environment Protection Act 1986.

Mr. Ashok Kumar Chaudhary, learned counsel representing the petitioners submits that the petitioner no.1 is



the owner of the tractor in question whereas petitioner no.2 is the driver of the vehicle which was intercepted by the police while moving with illegally extracted sand loaded on the said tractor.

Learned counsel submits that so far as petitioner no.1 is concerned, it is his tractor which was taken out from his possession on a false pretext that it will be used for some agricultural work, but then the tractor was being used for loading of illegally extracted sand which was not within his knowledge. Petitioner no.2 is the driver of the vehicle which was seized by the police. It is submitted that both of them have no criminal antecedent.

Learned APP for the State has while opposing the prayer for pre-arrest bail of the petitioners submitted that from the First Information Report itself it will appear that the petitioner no.1 who is the owner of the tractor had not even obtained the registration number of the vehicle and the petitioner no.1 with the help of petitioner no.2 was using the said tractor for loading of illegally extracted sand and, therefore, both of them were engaged in illegal gain and the allegations against them are in the nature of an economic offence. It is submitted that times and again it has been held in several orders



that these kinds of illegal extraction of sand by the persons behind it are causing national loss and it is in the nature of an economic offence.

Having regard to the facts and circumstances of this case wherein from the First Information Report itself it appears that these petitioners were involved in loading of illegally extracted sand for illegal gain and the same is in the nature of an unlawful loss to the nation as a whole, this being in the nature of an economic offence, in the opinion of this Court, grant of anticipatory bail is only likely to encourage this act, hence, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. This application is dismissed.

In case, the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

(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'.

