

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21493 of 2020

1. Md. Firoj @ Md. Firoj Shah, son of Basir Shah, resident of Village-Ujani,
P.S.-Naugachia, District-Bhagalpur.
2. Md. Saludin @ Md. Salauddin, son of Md. Juber Alam, resident of village-
Ujani, Jama Masjid, Pratap Nagar, P.S.-Naugachia, District-Bhagalpur.
... .. Petitioners

Versus

The State of Bihar

.. .. Opposite Party

Appearance :

For the Petitioners : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent State: Smt. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-07-2020 Heard Mr. Vijay Shankar Shrivastava, learned counsel

appearing on behalf of the petitioners and Smt. Rita Verma,

learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Banka P.S. Case No. 105 of 2020, registered for the offence punishable under Section 379 and 411 of the Indian Penal Code, Section 8 B.M.P.I.M.S. Rule 2003 Amended 2014, Section 40 BMMC Rule 1972, Section 21 MM (D&R) Act 1957 and Section 15 of Environmental Protection Act, 1986.

The petitioners are Driver and Cleaner of a tractor, which was found carrying illegally and unauthorisedly extracted sand. They did not produce any challan when demanded and despite efforts to apprehend them, they managed to flee away.

Considering the admitted position that the petitioners



are Driver and Cleaner of the tractor in question and both of them were found indulging in illegal carriage of sand, in my opinion, they do not deserve grant of anticipatory bail.

This application is accordingly dismissed.

The petitioners are directed to surrender before the Court below within a period of eight weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall



be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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