

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22052 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- BANKA District- Banka

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Md. Shahnawaz Son of Md. Noushad, resident of Khiribandh near Urdu School, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate
For the State : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-11-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State via video conferencing.

The petitioner seeks pre-arrest bail in connection with Banka P.S. Case No.94 of 2020 registered under Sections 379, 411, 420, 467, 468, 471, 120-B/34 of the Indian Penal Code & Section BMPIMTS Rule, 2003 Amended, 2014, Sections 8 and Section 40 of the BMMC Rule, 1972, Section 21 of MMRD Act, 1957 and Section 15 of Forest and Environment Act.

Considering that the truck bearing registration no. BR10R-5831 was found loaded with illegally mined sand and on inquiry, a fake *challan* was produced to show the *bona fide*



of the sand loaded on the truck by the driver, I am not inclined to grant pre-arrest bail to the petitioner, who happens to be the owner of the said truck. Accordingly, the application for grant of pre-arrest bail is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court 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 steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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