

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27026 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- RAJAON District- Banka

SHYAMSUNDER YADAV Son of Late Amika Yadav Resident of Village -
Chak Roshan, P.S.- Rajoun and District - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-11-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Bharat Lal, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Rajaon PS Case No. 35 of 2020 registered under Sections 379 and 411 of the IPC and Section 21 of MMDT Act, Section 56 of Illegal Consession Prevention of Illegal Mining Transportation and Storage Rule 2019.

The case of the prosecution is that the petitioner has been indulging in transporting and storage of sand without a valid document.



It is submitted by learned Counsel for the petitioner that the petitioner being a government contractor he was undertaking the works allotted by PHED Department and therefore he was in possession of sand.

Learned APP for the State has submitted that being a contractor it does not authorise the petitioner to store sand in whatever way he wants. The procurement of sand has to be in accordance with law otherwise the petitioner cannot escape from the criminal liability.

In the circumstances, learned Counsel for the petitioner submits that without prejudice to the allegations levelled against him and without admitting his guilt he is willing to deposit the amount of loss to the State exchequer.

Having done so, this Court would observe that the petitioner may submit proof of deposit of such amount and seek regular bail.

The application stands disposed of.

(Madhuresh Prasad, J)

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