

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28593 of 2020**

Arising Out of PS. Case No.-304 Year-2020 Thana- BANKA District- Banka

Chintamani Kumar Yadav, Son of Parmeshwar Yadav, Resident of Village -
Jotadish, P.S.- Banka and District - Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

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

2 17-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Amit
Kumar Rakesh, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Banka P.S. Case No. 304 of 2020 registered

for the offences punishable under Section 379, 411, 188, 269,
270, 271 of the Indian Penal Code, Section 56 of BMPTs Act
2003, Section 40 of BMMC Rule, Section 21 MMDR Act 1957
and Section 150 FE Act 1986.

Learned counsel for the petitioner submits that the
mining officer conducted a raid in which several vehicles along



with a Mahindra tractor bearing registration number BR51G 5446 in which 100 CFT illegal sand was loaded. It is alleged that the driver managed to escape from the spot and on verification it was found that no challans were issued for the aforesaid tractor.

Learned counsel submits that the petitioner is the driver of the seized tractor but he was not present on the spot. Learned counsel submits that the owner of the tractor has already deposited the loss amount of the seized sand.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is admittedly the driver of the tractor which was found loaded with illegally extracted sand measuring 100 CFT in quantity and while praying for bail in Cr. Misc. No. 29162 of 2020 the owner has taken a plea that it was his driver who was engaged in illegal mining of sand without his knowledge, this Court is not inclined to grant privilege of anticipatory bail to the petitioner as the Court is of the view that illegal extraction and transportation of sand is in the nature of a grave economic crime and theft of national wealth and resources which is required to be discouraged.



In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered on its own merit taking into consideration that he is said to have no criminal antecedent and that the owner of the tractor has deposited the loss amount, however, it will be an independent consideration of the learned court below.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

Application is dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

