

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80527 of 2019

Arising Out of PS. Case No.-416 Year-2019 Thana- GAYA MUFASIL District- Gaya

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1. Ram Niwas Sharma, Son of Late Kapildeo Singh @ Kapil Sharma, Resident of Village - Surhari, P.S.- Mufassil, District - Gaya, Permanent address at Village Rauniya, P.S.- Khizersarai, District - Gaya (Owner of seized vehicle bearing Registration No. BR02Q-2015).
 2. Sarvesh Singh, Son of Bhola Singh, Resident of Village - Rajapur, P.S.- Bodh Gaya, District - Gaya, at present residence of Village - Rajwar, P.S.- Mohanpur, District - Gaya (Driver of seized vehicle bearing Registration No. BR02Q-2015)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology, Gaya (Ghanshyam Jha), Son of Late Kapileshwar Jha, Resident of Village - Mailam, P.S.- Andhradhadhi, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mufassil P.S. Case No. 416 of 2019, registered under Sections 420, 406 and 379/34 of the Indian Penal Code and Sections 4/21 of the M.M.(D.R.) Act and Rule 4/40 of the Bihar Minor and Mineral Concession Rules 1972 and Rules 6 sub Rule 4, 5(a), 5(c) and 8(a) of the Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) Rule 2003.



The accusation is that the on 06.09.2019 informant being the Assistant Director, Mines and Jeology, Gaya, received information from the Muffasil Police Station to the effect that the tractor attached with trailor loaded with 50 CFT sand has been seized. Thereafter, informant along with one Sunil Kumar went to the police station and inquired about the matter, in which, he found that the illegal sand was loaded in the trailor attached with the tractor bearing registration no. BR02Q-2015. The informant, further, came to know that on seeing the police party, the driver of the tractor succeeded to flee away leaving the tractor. Later on, owner of the tractor/driver did not produce the Chalan of loaded sand.

Learned counsel for the petitioners submits that, in fact, both petitioners are owner and driver of the seized tractor attached with trailor loaded with sand and petitioner no.1, who is the owner of the said vehicle, is ready to compound the case before the appropriate authority under Section 23(A) of the Mines and Minerals (Development and Regulation), Act, 1957 and also ready to pay the fine levelled by the competent authority.

In view of the aforesaid submission, let the above named petitioners be released on provisional bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Mufassil P.S. Case No. 416 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will be confirmed by the learned court below on submission of receipt with regard to payment of fine after compounding the case within six months. In case the petitioners fail to submit the aforesaid receipt, the learned court below shall cancel the provisional bail of the petitioners.

(Rajendra Kumar Mishra, J)

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