

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86807 of 2019

Arising Out of PS. Case No.-116 Year-2017 Thana- SIGAUDI District- Patna

CHANDAN KUMAR, Son of Mahesh Prasad Singh, Resident of Village -
Tikulpar, P.S.- Sidori, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

For Mines Department : Mr. Sumit Pandey, Special P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned
Special P.P. for the Mines Department.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Rule 75 of the Bihar Minor
Mineral Rules, 2017.

The prosecution case got initiated on the basis of written
report of Lakshman Chaudhary submitted before the Station
House Officer, Sigauri Police Station is to the effect that on
31.10.2017 at 4.00 P.M., the tractor of the petitioner was
intercepted and was found loaded with sand without any valid
challan.

It is submitted by learned counsel for the petitioner that the
petitioner is the owner of the tractor in question and the said
sand was being transported for personal construction work of



the petitioner, but only on the basis of suspicion, the tractor has been seized. However, the petitioner was not present in the tractor at the time of its seizure. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned Special P. P. for the Mines submits that due to illegal mining, huge loss is being caused to the state exchequer.

Considering the nature of accusation and the fact that the petitioner was not present in the tractor in question when the tractor was intercepted coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-V, Danapur, Patna, in connection with Sigori P.S. Case No.116 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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