

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26103 of 2020

Arising Out of PS. Case No.-520 Year-2019 Thana- RAJAON District- Banka

SADANAND PRASAD SINGH S/o Shyam Prasad Singh Resident of Village
- Sohil, P.S.-Rajoun, District-Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
 2. The Director Bihar Mineral Mining Corruption Department, Bihar, Patna.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 06-04-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 379/411 of the Indian Penal Code, Section 56 of Minerals (Concession Prevention of Illegal Mining Transportation and Storage) Rules 2019, Section 21 of MMDR Act, 1957 and Section 15 of Environmental Protection Act.

As per FIR, on 27.12.2019 at about 6:30 a.m., the informant, Vijay Pd. Singh, Mining Officer arrived at Singhnan Sudhichak Ghat, where police personnel had detained three tractor vehicles and the driver of the vehicles managed to flee away. During inspection, 100 CFT of sand was found loaded on each tractors and no one came to produce the challan regarding the loaded sand. Thereafter, the informant seized all three



tractors and, accordingly, lodged the present case against the owner and the driver of the seized vehicles.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that petitioner is owner-cum-driver of the seized vehicle and he would deposit the loss amount of revenue before the Mining Department. Petitioner has no criminal antecedent.

Learned counsel for the State submits that this is a case of illegal mining.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected.

However, if petitioner surrenders and produces the receipt showing deposit of the loss amount of revenue and seeks regular bail, the court below would take up the matter and dispose of the bail petition of the petitioner on the same day without being prejudiced by this order.

(S. Kumar, J)

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