

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32220 of 2020

Arising Out of PS. Case No.-119 Year-2020 Thana- BANKA District- Banka

ABHAY JAYSWAL @ ABHAY JAISWAL Son of Nand Kumar Chaudhari
Resident of Village - Phulkahi, P.S. - Raghapur, District - Supaul.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Sushil Kumar Jha, Advocate.
For the State : Mr. Jagdhar Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 19-03-2021 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Banka (Barahat) P.S. Case No.119 of 2020 registered under Sections 379 and 411 of the Indian Penal Code besides Sections 8(a), 8(b) BMPITS Rule, 2003, Section 40 of the BMMC Rule, 1972, Section 5 of the BMMDR Rule, 1957 and Section 15 of the Environment Protection Act.

The accusation is that on receiving the secret information about carrying the sand loaded on the truck bearing Registration No.BR11GA-1132, the informant being the Mines Officer along with other officials proceeded towards village for its verification and saw the aforesaid truck loaded with the sand. The driver of the aforesaid truck Surendra Mandal could not produce any paper with respect to



carry the sand.

Learned counsel for the petitioner submits that, in fact, the petitioner is the owner of the aforesaid truck, which was handed over to the driver by the petitioner for plying the same on hire and the petitioner had no knowledge about the engagement of his truck by the driver for carrying the sand. Further submission is that after coming to know about carrying the sand on his truck by the driver, the petitioner had deposited Rs.48704/- in the District Mines Office, Banka, which would appear from Annexure-3 to the supplementary affidavit filed on behalf of the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Banka (Barahat) P.S. Case No.119 of 2020/GR No.386 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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