

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35189 of 2020

Arising Out of PS. Case No.-178 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. ABDUL HASAN, son of Md. Shahab Malik Resident of Village- Mirzapur, P.S.- Muffasil Munger, District- Munger.
2. SEBAK KUMAR YADAV, son of JHALLU YADAV Resident of Village- Sarkatiya, P.S.- Sangrampur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-03-2021 Heard Mr. Prashant Kumar, learned counsel for

the petitioners and Mr. Arun Kumar Pandey, learned APP

for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Shambhuganj P. S. Case No.

178 of 2020, dated 04.07.2020, instituted for the

offences under Sections 379 and 411 of the Indian Penal

Code and Section 40 BMMC Rules, 1972, S. 8, BM

(PTMTS) Rules, 2003 & Section 15 of FEP Act, 1986.

As the allegation stands, on information to the

police that sand is being illegally extracted and



transported, a raid was conducted and a tractor loaded with sand was intercepted. The driver of the said tractor managed to run away. The tractor was seized and the case has been registered.

The petitioner no. 1 is the owner of the tractor, whereas the petitioner no. 2 is the driver.

The learned counsel for the petitioners has submitted that they had the valid registration certificate and driving license respectively of the vehicle. In fact the extraction of sand and transportation of the same was by virtue of a validly issued *Challan*. The authorities did not pay heed to the asking of the petitioner no. 2 that the transportation of sand was against a valid *Challan*.

Apart from this, it has been submitted that the petitioners have clean antecedents.

Considering the afore-stated fact, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date



of receipt / production of a copy of this order, on their
furnishing bail bonds in the sum of Rs. 10,000 /- (Ten
Thousand) each with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial
Magistrate, Banka, in connection with Shambhuganj P.
S. Case No. 178 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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