

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36946 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- DHANKUND District- Banka

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1. SANTOSH SINGH S/o Suro Singh Resident of Village- Nanhan Pair, P.S.- Dhoraiya, District- Banka- Driver of the Tractor.
 2. Alamgir Ansari S/o Late Kamaluddin Ansari Resident of Village- Rahmandih, P.S.- Dhoraiya, District- Banka- Owner of the Tractor.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, Sections 11, 41, 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, Section 4(1) of the MMDR, Act, 1957 and Section 15 of the NGT Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

The informant alleges that on 15.02.2021, during inspection, he intercepted a tractor loaded with sand near Hasai village and on seeing the police, the driver succeeded to flee



from the place of occurrence leaving the vehicle, it is next alleged that 100 CFT sand was found loaded on the tractor for which no one came forward with the Challan.

Learned counsel for the petitioners submits that the petitioners are the driver and owner of the tractor and petitioner no. 2 had given the same on rent to his friend and, as such, was not knowing that the tractor was being used for carrying out some illegal work. Learned counsel next submits that though the petitioners were not involved in the occurrence but since the vehicle belongs to petitioner no. 2, he has already deposited Rs.19,213/- in favour of the mining department i.e. loss which accrued on account of transportation of the sand.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhankund P.S. Case



No. 20 of 2021, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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