

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68426 of 2022

Arising Out of PS. Case No.-812 Year-2022 Thana- BIHTA District- Patna

SUNNY KUMAR Son of Ram Chandra Singh Resident of Village and P.O.-
Kaab, P.S.- Ranitalab, District - Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Inspector, District Mining Office, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Divyanshi Rohatgi, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

No one appears on behalf of the Department of Mines.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379 and
420 of the Indian Penal Code.

The informant alleges that during inspection it was
found that at the site of the petitioner only 12,000 cubic ft. of
sand was found whereas in the P.M.U. the quantity was shown
as 22,850 cubic ft., thus it is alleged that petitioner used to sell
sand without issuing *challan* and despite notice has not paid the
fine of Rs. 5,77,763/-.

Learned counsel for the petitioner submits that



petitioner has antecedent of one case and has been falsely implicated in the present case based on an inquiry conducted behind his back, it is also submitted that petitioner has a K-license valid till 31-12-2022, further the sand was purchased from the settlee of the sand ghats, it is next submitted that transport of sand from the ghat is done in pursuance of transport challan which becomes the basis for calculating the total sand excavated by the settlee or sold by K- license holder, it is further submitted that the inspection was done behind the back of the petitioner, further petitioner had replied the notice demanding fine by his reply dated 04.08.2022 (Annexure-5) but the authority without dealing with his reply again issued the notice demanding the said amount. Learned counsel submits that when petitioner had replied the demand notice with respect to the fine in post then the authorities at least should have considered his reply, either could have accepted it or rejected it but could not have sat over the matter and in a mechanical manner the same notice was again issued without considering his reply which demonstrates total non application of mind. Learned counsel next submits that it is just not possible for a K- license holder to indulge in any kind of malpractices as the quantum of sand which he purchases by the settlee of the ghat is maintained.



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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bihta P.S. Case No. 812 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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