

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19888 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- CHANAN District- Lakhisarai

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Mukesh Yadav S/O Late Bhuna Yadav Resident of Village- Basantpur, Khilha Tola, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mineral Development Officer, Lakhisarai Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Parmanand Prasad Narain Sahi, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Chanan P.S. Case No. 143 of 2022, registered for the offences punishable under Sections 379/411 of the Indian Penal Code and Section 21 of the Mines and Minerals (Development Regulation) Act, 1957 and Rule 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Amendment Rules, 2021.

In course of a surprise raid in the village-lakshminia Batuspur, 1120 *ghan feet* of illegal sand was seized and in



course of interrogation it has been found that the sand was illegally stored by the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the sand nor the land from where the same has been seized, belongs to the petitioner. He further submits that only on account of he being found involve in three other cases, his name has been implicated in this case. He further submits that the petitioner has never been indulged in theft or storage of illegal sand and only on the instigation of some unscrupulous person on account of enmity, his name has been implicated.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the sand has been seized from a public place and not from the land of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai



in connection with Chanan P.S. Case No. 143 of 2022,subject to
the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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