

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25658 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- DHURAIYA District- Banka

-
1. CHANDAN SINGH SON OF BIBHASH SINGH RESIDENT OF VILLAGE- PAIR, PS- DHORAIYA, DISTT- BANKA
 2. BITHAL RAY SON OF SHIBU RAY RESIDENT OF VILLAGE- PAIR, PS- DHORAIYA, DISTT- BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dhoraiya P.S. Case No. 340 of 2022, registered for the offence punishable under Section 379, 411, 120(B) of the Indian Penal Code, Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, Section 21 of the MMDR Act, 1957 and Section 15 of the Environment Protection Act, 1986.

The allegation is regarding the informant along with his police force having conducted raid near Pair Sand Ghat, whereupon they had intercepted and seized a tractor, loaded with sand.



The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is the owner of the tractor in question and the petitioner no. 2 is alleged to be the driver of the tractor in question, however, meagre amount of 100 CFT of sand is alleged to have been recovered from the tractor in question, which was parked at a place where the petitioners were not present. It is also submitted that there is no compliance of Section 100 Cr.P.C., hence, the seizure itself is void.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that there is no compliance of Section 100 Cr.P.C. while making seizure of sand, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be



enlarged on anticipatory bail, in the event of their 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Banka, in connection with Dhoraiya P.S.Case No. 340 of 2022 (G.R. No. 2966 of 2022), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

