

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35939 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- AMARPUR District- Banka

MD. SHAKIL @ MD. SAKIL S/O MD. FAKHRUDDIN R/O Village
Dhimra, P.S. Amarpur, Dist. Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Amarpur P.S. Case No. 105 of 2023 dated 22.02.2023, instituted for the offence punishable under Sections 379 and 411 of the Indian Penal Code, Sections 11, 41 and 56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage Rules, 2019 and Amendment, 2021, Section 4(1)(21) of Mines and Minerals (Development and Regulation) Act, 1957.

3. The prosecution case, in brief, is that on 21.02.2023, the informant (Mines Inspector) in the course of inspection intercepted an unregistered tractor loaded with sand. It is alleged that the driver of the tractor fled away from the place of occurrence leaving the aforesaid vehicle.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. rather he has been made accused in the F.I.R. as owner-cum-driver of the said tractor as mentioned in the F.I.R.. According to seizure list 65 C.F.T. sand was recovered from the trailer of the tractor. It is submitted that the petitioner has not been arrested on the spot. The petitioner was not driving the vehicle, only he is the owner of the said tractor. It is also submitted that the seizure list is in gross violation of Section 100 Cr.P.C.. There is no independent witness of the seizure list, only police personnel of raiding team was made witness in this seizure list. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest/surrender of the petitioner in connection with Amarpur P.S. Case No. 105 of 2023, he shall be released on anticipatory bail 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, Banka,



subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(Khatim Reza, J)

prabhat/-

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

