

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37648 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- AWTARNAGAR District- Saran

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Veni Ray @ Beni Lal @ Veni Rai S/O Vasudev Ray @ Babu Basudeo Ray @
Vasudev Rai, R/O- H. No. 18, Total Colony, Beyapur, PS. Maner, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Ghanshyam Tiwary, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Autar Nagar P.S. Case No. 08 of 2023 registered for the offences punishable under Sections 379/411 of the Indian Penal Code, Section 21 MMDR Act, Section 56 of the Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage) Rules and Section 15 of the Environment Protection Act, 1986.

3. In course of vehicle checking, the police intercepted a truck, bearing registration no. BR 1GA 1781. However, on noticing the police party, the driver/owner fled away leaving the truck. On search, overloading of sand than the



permissible Chalan was found on the said truck.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner, who happens to be the owner/driver of the seized truck, had valid Chalan for the loaded sand. However, only in order to extract money, the present false case has been instituted, apart from the fact that the petitioner has not caused any loss to the revenue, as there is neither any photograph nor video clip has been prepared showing that there was over loading of sand on the truck. He next submits that there is no whisper as to how the sand was weighed and measured. That apart, there is no compliance of the provisions of Section 100 of the Cr.P.C.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was having a valid Chalan obtained after depositing the cost of the alleged sand in favour of the Mining department, coupled with other infirmities in the search and seizure, that apart his fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be



released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Autar Nagar P.S. Case No. 08 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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