

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52174 of 2022

Arising Out of PS. Case No.-553 Year-2022 Thana- LAKHISARAI District- Lakhisarai

1. MUKESH SHARMA S/O RAMCHANDRA PRASAD SHARMA Resident of village- Chandrabhan Tola, Ward No- 6, Aunta, P.S.- Mokama, District- Patna.
2. SURENDRA KUMAR YADAV @ SULENDRA KUMAR YADAV S/O KARU YADAV Resident of village- Chandrabhan Tola, Ward No- 6, Aunta, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE PRINCIPAL SECRETARY, DEPARTMENT OF MINES AND GEOLOGY, GOVERNMENT OF BIHAR, PATNA. BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the State.

The petitioners apprehend their arrest in connection with Lakhisarai (Kabaiya) P.S. Case No. 553 of 2022 instituted under Sections 379/411 of the Indian Penal Code and Section 21 of Mines and Minerals (Development and Regulation) Act and Rule 56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Rule, 2019.

As per the prosecution story, the stone chips laden truck was apprehended by Assistant Sub Inspector of Police and



the informant on 17.6.2022 and as they failed to produce challan, the same was seized in the Bazar Samiti premises and further the FIR was lodged.

Learned counsel for the petitioners submit that a bare perusal of Annexure 2 would show that the transport challan was issued on 16.6.2022 and the bottomline would clearly show that it was valid up to the next day i.e. 17th June, 2022 and in that background, it is astonishing that the truck was seized and the FIR was lodged. The last submission that both the petitioners do not have criminal antecedent.

Learned APP on the other hand opposes the prayer stating that due to illegal transportation of stone chips, the State was loser by around 2,70,000/-.

Taking into account the fact that the challan has been produced by the petitioners side vide Annexure 2 which shows the validity up to 17.6.2022 with regard to the same truck, the petitioners do not have criminal antecedent, this Court is inclined to grant them relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties



of the like amount each in connection with Lakhisarai (Kabaiya)
P.S. Case No. 553 of 2022 to the satisfaction of learned Chief
Judicial Magistrate, Lakhisarai subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/ Ajay
Singh/-

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