

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63263 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- LADANIA District- Madhubani

PRABHAT BHANDARI S/O RAM CHANDRA BHANDARI R/O
VILLAGE- JANAKINAGAR, PS. LADANIYA, DIST. MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 1912 of 2022, arising out of Ladaniya P.S. Case No. 295 of 2022, dated 10.10.2022, registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code, Section 21 of the M.M.(D.R.) Act, 1957, Section 56(i) of the B.M.M.C. Rules, 2021, Section 15 of the Environmental Protection Act, 1986 and Section 37 of the Bihar Prohibition and Excise Act.

3. The case of prosecution, in short, is that a raid was conducted for verification of sand stored in the vacant filed situated near the Brahmsthan of the village Piprahi. It is alleged that seeing the Police party, the driver of the tractor tried to run



away by overturning the sand loaded on the ground, but was caught by the Police force, who disclosed his name as Vijay Mandal, who was in drunken condition. During interrogation, he disclosed that the owner is Shyam Mandal, who is using tractor bearing Registration No. BR-32GB6046 for stealing sand from Mahuara River. It is alleged that 3087 cubic feet stolen sand was recovered at the place stated by the driver.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is the owner of the tractor bearing registration no. BR-32GB6046. Vijay Mandal, who was the driver of the said tractor at the time of seizure was in drunken state. As per allegation made in the F.I.R., it is alleged that 3087 cubic feet stolen sand was recovered at the place stated by the driver. The petitioner has not been arrested at the spot, neither present at the time of said seizure made by the authority. Nothing incriminating articles were recovered from the conscious possession of the petitioner or from the house. It is submitted that Section 37 of the Bihar Prohibition and Excise Act is not attributed to the petitioner. The petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for bail to the petitioner.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge (Excise Act), Madhubani in connection with G.R. No. 1912 of 2022, arising out of Ladaniya P.S. Case No. 295 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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