

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8907 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- KUMAR KHAND District- Madhepura

MD. AZAM Son of Md. Sahebuddin Resident of Village - Bhadaul (O.P. Bharrahi), P.S. and District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE MINING INSPECTOR, MADHEPURA, THE PRINCIPAL SECRETARY OF MINES AND MINERALS DEPT. OF PATNA BIHAR, PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate.
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1, APP.
For the Mines	:	Mr. Naresh Dikshit, Advocate. Mr. Brij Bihari Tiwary,

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioner; Mr. Anil Kumar Singh No.1, learned APP for the State and Mr. Naresh Dikshit, learned counsel along with Mr. Brij Bihary Tiwary, learned counsel for the Mines.

2. The petitioner seeks pre-arrest bail in connection with Kumarkhand (Belari O.P.) P.S. Case No. 318 of 2023 registered for the offence punishable under Section 379 of the Indian Penal Code and Section 4 of the Bihar Minerals (Prevention of Illegal Mining Transportation and Storage) Rules-15 of Environment Rules, 1986.



3. As per the allegation made in the F.I.R., the petitioner was found along with sand illegally loaded on a vehicle bearing registration no. 375 XT, Chassis No. MBNAN49ACMTA1539.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has already deposited the compounding fine in accordance with Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as the "Rules, 2019).

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner, however, he admits that the petitioner has deposited the compounding fine in accordance with Section 56 of the Rules, 2019.

6. Having considered the rival submissions made on behalf of the parties and the fact that the petitioner has already deposited the fine in accordance with Section 56 of the Rules, 2019, the petitioner is directed to be released on pre-arrest bail subject to the condition that he is required to file an affidavit annexing the receipt given by the Mines department confirming the fact that the petitioner has deposited the entire amount of compounding fee in accordance with Section 56 of the Rules,



2019, in the event of his arrest or surrender before the Court below within a period of four 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 Judicial Magistrate 1st Class, Madhepura in connection with Kumarkhand (Belari O.P.) P.S. Case No. 318 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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