IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.7441 of 2024

Baleshwar Saw, S/o Late Lalji Saw, R/o village & P.O.-Sagalim, P.S.-Panki, District-Palamau, Jharkhand
..... Petitioner.

-Versus-

The State of Jharkhand ..... Opp. Party.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Sheo Kumar Singh, Advocate
For the State : Mr. Pankaj Kr. Mishra, A.P.P.

Order No.03 **Date: 09.12.2024**

1. The petitioner is apprehending his arrest in connection with Panki P.S. Case No.94 of 2024 registered under Sections 303(2)/317(5)/3(5) of Bharatiya Nyaya Sanhita, 2023, Section 21 of Mines and Minerals (Development & Regulation) Act, 1957 and Rule 54 of Jharkhand Minor Mineral Concession Rules, 2004.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged in the F.I.R. The petitioner is owner of the Eicher tractor bearing registration no.JH-24L-4553, engine no.S325K80584, chassis no.92941319307 from which there is alleged recovery of about 80 CFT of illegal sand. In fact, there has been no such recovery from the said tractor. The false implication of the petitioner would be evident from the fact that though the seizure list was prepared with respect to the aforesaid tractor, however, no sand was recovered from it. The said statement has been made in paragraph no.7 of the present anticipatory bail

application. Similarly situated co-accused Ram Lakhan Saw-owner-cum-driver of another tractor from which there is alleged recovery of about 80 CFT has already been granted anticipatory bail by this Court vide order dated 26th November, 2024 passed in A.B.A. No.7070 of 2024. The petitioner has no criminal antecedent as has been stated in paragraph no.16 of the present anticipatory bail application. He, however, undertakes to co-operate in the ongoing investigation. Hence, he may be given the privilege of anticipatory bail.

3. Learned A.P.P. opposes the petitioner's prayer for grant of anticipatory bail.

4. Having heard learned counsel for the parties and on consideration of the materials available on record, I am inclined to enlarge the petitioner on anticipatory bail. Accordingly, the petitioner, above named, in the event of his arrest or surrender before the court below within three weeks from today, shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Palamau in connection with Panki P.S. Case No.94 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rajesh Shankar, J.)

Arpit/