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**(2023) 08 JH CK 0012**  
**In the Jharkhand High Court**  
**Case No : A.B.A. No. 4825 Of 2023**

Chandan Lal

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

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**Date of Decision :** 02-08-2023

**Acts Referred:**

Mines And Minerals (Development And Regulation) Act, 1957 — Section 22  
Code Of Criminal Procedure, 1973 — Section 41A, 438(2)

**Citation :** (2023) 08 JH CK 0012

**Hon'ble Judges :** Ratnaker Bhengra, J

**Bench :** Single Bench

**Advocate :** Vikas Kumar, V.K.Vashistha

**Final Decision :** Allowed

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## Judgement

Ratnaker Bhengra, J

When the matter is called out, both the learned counsels have appeared.

The learned counsel for the petitioner submits that CST invoice no. NE07/222-23 was shown to the informant wherein the vehicle registration number was also mentioned. The learned counsel for the petitioner further submits that CGST and SGST have also been paid regarding the loaded stone chips and hence the articles were not stolen property. He further submits that papers related to seized vehicle are also valid. He further submits that institution of FIR is also not permissible as per section 22 of the MMDR Act which mandates that in mining cases only complaint case can be filed. The petitioner does not have any criminal antecedent. He further submits that from perusal of paragraph no. 24 of the case diary it appears that the allegations are found to be false and therefore no case is made out against the petitioners.

Learned counsel for the State opposed the prayer for anticipatory bail and submits that notice under section 41A of the Cr.PC has been issued against the petitioner and, therefore, there is no apprehension of arrest. Hence this

anticipatory bail application is not maintainable.

Regard being had to the aforesaid facts, I am inclined to extend the privilege of anticipatory bail to the petitioner, named above. Accordingly, the petitioner is directed to surrender before the learned Court below within a period of two weeks from today and on his surrender or arrest, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamshedpur, in connection with Sundarnagar P.S. Case No.12 of 2023, subject to the condition as laid down under section 438(2) of the Code of Criminal Procedure, with further condition that the petitioner will furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his number during pendency of the case without prior permission of the Court below.

This application stands allowed.