
(2023) 07 JH CK 0041

In the Jharkhand High Court

Case No : A.B.A. No. 5051 Of 2023

Lila Soren And Others State of Jharkhand

Date of Decision : 28-07-2023

Acts Referred:

Jharkhand Minor Mineral Concession Mining Rules, 2017 — Rule 54
Mines And Minerals (Development And Regulation) Act, 1957 — Section 4(1) (A), 21
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2023) 07 JH CK 0041

Hon'ble Judges : Ambuj Nath, J

Bench : Single Bench

Advocate : Yasir Arafat, Shailendra Kr. Tiwari

Judgement

Ambuj Nath, J

1. Learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application of petitioner no. 2 – Sanjay Yadav. Prayer is allowed. Accordingly, anticipatory bail application of the petitioner no. 2 – Sanjay Yadav is dismissed as withdrawn.

2. Petitioner No. 1-Lila Soren is apprehending his arrest in connection with Maheshpur P.S. Case No. 67/2023 for the offences registered under sections 54 of Jharkhand Minor Mineral Concession Rules and sections 4(1) (A) and 21 of Mines and Minerals (Development and Regulation) Act, 1957, pending in the court of learned C.J.M., Pakur.

3. Petitioner no. 1 is the owner of the tractor which was seized by the Circle Officer, Maheshpur along with several tractors loaded with illegal sand.

4. It was submitted that the vehicle of the petitioner no. 1 being a commercial one, was fully under the control of its driver. It was further submitted that the driver of the vehicle without the consent and knowledge of the petitioner no. 1 was transporting the seized sand. It was finally submitted that co-accused persons have been granted anticipatory bail by this court vide A.B.A. No. 5025/2023.

Case diary earlier called for, has been received. It appears that apart from the present case, petitioner no. 1 is not involved in any other case.

5. Considering the aforesaid facts, I am inclined to extend the privilege of anticipatory bail to the petitioner no. 1. Accordingly, petitioner no. 1, above named, is directed to surrender before the learned court below within two weeks from the date of receipt of a copy of this order and the learned court below on his surrender, shall release him on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each, to the satisfaction of learned C.J.M., Pakur in connection with Maheshpur P.S. Case No. 67/2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.