

(2024) 03 JH CK 0022
In the Jharkhand High Court
Case No : A.B.A. No. 415 Of 2024

Nasim Sk. @ Nasim Sheikh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 07-03-2024

Acts Referred:

Jharkhand Minerals (Prevention Of Illegal Mining, Transportation And Storage) Rules, 2017 — Rule 7, 9
Jharkhand Minor Mineral Concession Rule, 2004 — Rule 7, 9
Indian Penal Code, 1860 — Section 175, 379, 414
Mines And Minerals (Development And Regulation) Act, 1957 — Section 21(A), 21(6), 22
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2024) 03 JH CK 0022

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Raja Ravi Shekhar Singh, Prabir Kumar Chatterjee

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Raja Ravi Shekhar Singh, learned counsel for the petitioner and Mr. Prabir Kumar Chatterjee, learned counsel for the State.
2. The petitioner is apprehending his arrest in connection with Kotalpokhar P.S. Case No.57 of 2023, registered for the alleged offence under Section 175/379/414 of the Indian Penal Code, Rule 4/54 of JMMC Rules, 2004, Rule 7/9 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 and Section 21(A)/21(6)/22 of the Mines and Minerals (Development and Regulation) Act, 1957, pending in the Court of the learned Additional Chief Judicial Magistrate, Rajmahal.
3. Learned counsel for the petitioner submits that the petitioner is the owner of the truck in question and he was not present on the spot. He submits that the truck was driven by the driver and 800 cft stone chips were being carried. He

submits that in paragraph 8 of this application, it is stated that the petitioner has got no criminal antecedent.

4. Learned counsel for the State opposed the prayer on the ground that the allegation of illegally carrying the stone chips is there.

5. Considering that the petitioner is the owner of the truck in question and he was not present on the spot and he has got no criminal antecedent, as has been disclosed in paragraph 8 of this application, I am inclined to extend the privilege of anticipatory bail to the petitioner. Accordingly, the above-named petitioner is directed to surrender before the learned Court within three weeks from today and in the event of his arrest or surrender, he will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rajmahal in connection with Kotalpokhar P.S. Case No. 57 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.