
Awadh Kishor Vs State Of Jharkhand

A.B.A. No. 7048 Of 2023

Court: Jharkhand High Court

Date of Decision: Sept. 18, 2023

Acts Referred:

Jharkhand Minor Mineral Concession Rule, 2004 " Rule 54#Jharkhand Minerals (Prevention Of Illegal. Mining, Transportation And Storage) Rules, 2017 " Rule 7, 9, 13#Indian Penal Code, 1860 " Section 34, 379, 411#Mines And Minerals (Development And Regulation) Act, 1957 " Section 4, 21#Code Of Criminal Procedure, 1973 " Section 438(2)

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: Pran Pranay, Priya Shrestha

Judgement

Anil Kumar Choudhary, J

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Ghatshila P.S. Case No.41 of

2023 registered under sections 379/ 411/34 of the Indian Penal Code, under section 54 of JMMC Rules, 2004, section 4/21 of MMDR Act and under

Section 7/9/13 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule, 2017.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner is the owner of the Hywa Truck which

was seized by police for transporting illegally excavated sand. It is further submitted that the allegations against the petitioner are all false and he has

no knowledge about his vehicle being involved in any illegal activity. It is then submitted that the petitioner has no criminal antecedent as has been

mentioned in para-12 of the instant anticipatory bail application. It is then submitted that the petitioner undertakes to furnish sufficient security including

cash security and also undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of

anticipatory bail.

Learned Spl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner

be given the privilege of anticipatory bail.

Hence, in the event of his arrest or surrender within a period of six weeks from the date of this order, he shall be released on bail on depositing cash

security of Rs.20,000/- and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the

satisfaction of learned A.C.J.M., Ghatshila in connection with Ghatshila P.S. Case No.41 of 2023 with the condition that the petitioner will cooperate

with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a

copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to

the conditions laid down under section 438 (2) Cr. P.C.