

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3726 of 2022

Mahesh Sahu

..... Petitioner

Versus

The State of Jharkhand

..... Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Rishi Pallava, Advocate

For the State : Mrs. Vandana Bharti, A.P.P.

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Order No.04/ Dated:29.07.2022

Heard learned counsel for the parties.

Apprehending his arrest in connection with Karra P.S. Case No. 19 of 2022 instituted under Sections 414 of the Indian Penal Code and under Section 4, 21 of Mines and Mineral (Development and Regulation) Act 1957, U/R 54 Jharkhand Minor Mineral Concessions Rule, 2004 and U/R 9, 13 of Jharkhand Mineral (Prevention of Illegal Mining, Transportation & Storage) Rule, 2017, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per F.I.R. allegation is that on 21.03.2022 at about 10.00 P.M., Hywa vehicle bearing registration no. JH-01CL-6206 of the petitioner was intercepted and on search 700 CFT sand was found loaded without any transportation challan or other documents.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the F.I.R. It is submitted that petitioner is the owner of the said commercial vehicle which was being piled on hire under the control and command of the driver and petitioner has no knowledge about the alleged carriage of sand by his truck. It is further submitted that driver of the vehicle, namely, Rupesh Baraik was apprehended and taken into custody on the same day by the police who has also not disclosed any involvement of the present petitioner in the alleged offence rather he has been granted on regular bail by the Sessions Judge, Khunti vide order dated 19.04.2022 passed in B.P. No. 140 of 2022. Petitioner is ready to co-operate in the investigation of

the case and shall not indulge in any manner in tampering with the prosecution evidence. It is not a case where custodial interrogation may be necessary, hence, in case of arrest at the hands of police petitioner shall suffer substantial loss. Hence, petitioner may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner and submitted that petitioner is the owner of the truck which was found loaded with 700 cft. illegal sand and being transported without challan and other documents, hence, petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of this case and in view of the fact that driver of the vehicle has been arrested and released on regular bail and nothing incriminating has been levelled against the present petitioner, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khunti in connection with Karra P.S. Case No. 19 of 2022 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Pradeep Kumar Srivastava, J.)

R.K