

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3520 of 2020

Ram Pravesh Choubey Petitioner
Vs.
The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
Through Video Conferencing

For the Petitioner : Mr. Abhay Kr. Mishra, Advocate
For the State : Mr. Prabir Chatterjee, Spl. P.P.

Order No. 02

Dated 14th September, 2020

Heard the learned counsel for the respective sides.

So far as the defects, as pointed out by the office, are concerned, the same are ignored.

The petitioner apprehends his arrest in connection with Kandi P.S. Case No. 43 of 2020.

It has been alleged that during Lockdown, a tractor with a trolley which was alleged to be loaded with illegally extracted sand was intercepted. The driver of the tractor was apprehended who disclosed the name of the petitioner who happens to be the owner of the tractor.

Mr. Mishra, learned counsel for the petitioner submits that for building purpose the sand was loaded in the tractor from a mining lease area and therefore it cannot be said to be illegally mined sand. It has further been stated that the tractor was entrusted to the driver and therefore any offence committed by the driver would not make the petitioner liable for the same.

On consideration of the arguments advanced by the learned counsel for the petitioner to the effect that the petitioner is the owner of the tractor who was not present at the place of occurrence and since a plausible explanation has been given by the petitioner with respect to the tractor being loaded with sand, I am inclined to extend the privilege of anticipatory bail to the petitioner. The petitioner accordingly is directed to surrender before the learned trial court within four weeks from today and on such surrender, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Garhwa in connection with Kandi P.S. Case No. 43 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(RONGON MUKHOPADHYAY,J.)