

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**(Criminal Miscellaneous Jurisdiction)**

**A.B.A. No. 3107 of 2020**

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1. Nandlal Mistri  
2. Ranjeet Kumar Singh  
3. Chintamani Prasad Singh

..... Petitioners

**Versus**

The State of Jharkhand

.....Opposite Party

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**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**

**Through:- Video Conferencing**

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For the Petitioners : Mr. Deepak Kumar, Advocate

For the State : Mr. Suraj Verma,A.P.P.

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**02/Dated: 09/09/2020**

Learned counsel for the petitioners has submitted that though there is defect no. 9(i) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defect within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioners are apprehending their arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the anticipatory bail application on merits, but with condition that petitioners shall remove the defects within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect.

Heard, learned counsel for the petitioners, Mr. Deepak Kumar and learned counsel for the State, Mr. Suraj Verma.

Learned counsel for the petitioners has submitted that petitioners are apprehending their arrest in connection with Jasidih P.S. Case No.227 of 2020, for the offence under Sections 188, 413, 414/34 IPC, 21 MMRD Act and 54 JMMC Rules 2004.

Learned counsel for the petitioners has submitted that seven trucks loaded with sand were seized by the police as the driver and the persons on the truck could not produce any valid paper with regard to the ownership and payment of royalty to the State. Petitioner no.1 is the owner of the truck bearing registration No. JH 12C 4014, petitioner no.2 is owner of two trucks bearing registration Nos.JH12J 4402 and JH12E 7440 and petitioner no.3 is the owner of two trucks bearing registration Nos.JH12G 9407 and JH12E 8429.

Learned counsel for the petitioners has further submitted that petitioners

are ready to pay the amount of royalty for grant of anticipatory to them as they have no criminal antecedent.

Learned counsel for the State has opposed the prayer for bail and has submitted that such occurrence is rampant in the State of Jharkhand as sand is being illegally transported to the West Bengal and other State without paying royalty and thus huge financial loss is caused to the State of Jharkhand, as such, petitioners may not be granted.

Considering the rival submission of the parties, State counsel is directed to file counter-affidavit within four weeks.

List this case after four weeks.

Since it is a case of theft of sand without payment of royalty, this Court is not inclined to grant any interim relief in favour of the petitioners at present.

**(Kailash Prasad Deo, J.)**