

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1535 of 2021

Gajanand Prasad	...	Petitioner
	Versus	
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Nilesh Kumar, Advocate
For the State	: Mr. P. Chatterjee, Addl. P.P.

Order No.02 Dated- 13.04.2021

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Barkagaon P.S. Case No.187 of 2020 registered under sections 21 of MMDR Act and Rule 9 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner is the director of Damodar Minerals Pvt. Ltd. which owned two trucks bearing registration nos. JH 01DF 2235 and JH01DF 3053 which were seized by District Mining Officer for transportation of illegally excavated coal. It is further submitted that the allegations against the petitioner are all false and drawing attention of this Court to the order of this Court in A.B.A. No.1347 of 2021 dated 06.04.2021 wherein it has been mentioned that as the weighbridge in the leasehold area of Birsa of Central Coal Fields Limited was under breakdown on 14.09.2020 and 15.09.2020 therefore, the said Hywa/tipper loaded with coal was taken for weighment to the weighbridge at K.K. but the trucks were checked and detained by

the District Mining Authority hence, there is no illegality involved in this case. It is then submitted that the petitioner is ready and willing to furnish sufficient security including cash security and undertake to cooperate with the investigation of the case. It is lastly submitted that the co-accused person has already been given the privilege of anticipatory bail by this Court vide order dated 06.04.2021 in A.B.A. No.1347 of 2021. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. 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.10,000/- 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 S.D.J.M., Hazaribag, in connection with Barkagaon P.S. Case No.187 of 2020 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 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Choudhary, J.)