

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46351 of 2022

Arising Out of PS. Case No.-1018 Year-2020 Thana- DEHRI TOWN District- Rohtas

Sadashiv Prasad Singh @ Sadashiv Prasad @ Sadashiv Singh Son Of
Mareshwar Singh R/O 410, Ganeshalay Apartment, Jharudih, Near Carmel
School, Matkuria, Dhanbad, Jharkhand- 826001.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Director, District Mining Office, Rohtas Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Suraj Samdarshi, Advocate
For the Opposite Party/s :	Mr. Naresh Dikshit, Advocate
	Mr.Shyameshwar Dayal, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 18-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Today, Supplementary Affidavit has been filed
on behalf of the petitioner.

3. Office is directed to keep it on record.

4. The petitioner apprehends his arrest in
connection with Dehri Nagar (Indrapuri O.P) P.S. Case No.
1018 of 2020, registered under Sections 379, 406 and 420 of
the Indian Penal Code, Section 15 of the Environment
Protection Act and Section 21 of the Mines and Minerals
(Development and Regulation) Act, 1957 and Rule 56 of Bihar
Minerals (Concession Prevention of Illegal Mining,
Transportation and Storage) Rules, 2019 (erroneously



mentioned as BMCC Rules, 2019 in the F.I.R).

5. The prosecution case, in brief, is that four accused persons named in the F.I.R. including the petitioner have violated the provisions of Mines and Minerals (Development and Regulation) Act, 1957, Rules 56 (1) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, Section 15 of the Environment Protection Act.

6. Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. is based on the order passed by the District Magistrate on 23.12.2020 and on the basis of the said order, F.I.R. has been lodged on 29.12.2023. Learned counsel informs this Court that by way of auction in terms of the advertisement dated 19.01.2015 by open bid granted mining lease under Bihar Minor Mineral Concession Rules, 1972. The license was valid for the period initially for five years from January, 2015 to December, 2019 and, thereafter, it was extended by the State Government from time to time and on the date of alleged offence to have been committed by the petitioner. The petitioner was having valid license duly issued by the State Government in accordance with law. In this background, learned counsel submits that once the State has



parted with its rights to mining of sand to the petitioner, there is no question of any illegal mining to be carried out by the petitioner.

7. Mr. Naresh Dikshit, learned counsel appearing on behalf of the O.P. No.2 submits that by the order of the Collector, who is the Licensing Authority, the license of the petitioner was suspended vide order dated 23.12.2020. The petitioner had violated the said order and, therefore, a case was registered for carrying mining during the suspension period.

8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

9. Having considered the submissions made by the parties the fact which has emerged before this Court the action for lodging F.I.R. on the basis of the order of the District Magistrate vide order dated 23.12.2020 by which the license of the petitioner was suspended, but subsequently the said order was revoked. The records only reveals that the petitioner was having valid license for the period during which the allegation has been made. Prima facie, the petitioner has made out a case to be released on bail.

10. The petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of four weeks from today,
on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two
sureties of the like amount each to the satisfaction of learned
S.D.J.M. Dehri on sone, Rohtas in connection with Dehri
(Indrapuri) P.S. Case No. 1018 of 2020, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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