

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58168 of 2024**

Arising Out of PS. Case No.-131 Year-2024 Thana- BANIAPUR District- Saran

Safdar Ansari S/o Kadir Ansari @ Kadir Miya R/o vill - Shiristapur, P.S. -  
Janta Bazar, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      04-09-2024                      Heard Mr. Harsh Anuj, learned counsel appearing  
on behalf of the petitioner and Mr. Madhura Nand Jha , learned  
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection  
with Baniapur P.S. Case No. 131 of 2024 registered under  
Sections 188, 279, 337, 338, 307, 427, 353, 332, 333 of the  
Indian Penal Code.

3. As per the allegation made in the FIR, when the  
patrolling team tried to stop the tractor, which was being driven  
negligently and speedily, the driver of the tractor, who is also  
co-accused, had speeded the tractor and, thereafter, he left the  
tractor and fled away.

4. Learned counsel appearing on behalf of the  
petitioner submitted that at the best, the provision of Motor



Vehicle Act is attracted for speedy driving and so far as, the seizure of tractor, along with sand is concerned, the petitioner is ready to compound the offence. However, in case the petitioner is in possession of *Challan*, duly issued by the Mines Department then in that case, no offence has been committed under Section 56(6) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner has not pleaded in the bail application, as to whether, the sand was being transported on the basis of valid *challan*, duly issued by the District Mining Officer and he has also violated the provision of the Motor Vehicle Act, for the reason that after the police officer had tried to stop the vehicle for checking, the driver had speeded tractor and thereafter he left the tractor and fled away.

6. Having considered the rival submissions made on behalf of the parties, I find that the offence, as alleged in the FIR is primarily for speeding the vehicle from which sand was seized and also the petitioner has not produced the required



documents like license, permit and insurance paper to the police officer, I am not inclined to grant the petitioner pre-arrest bail.

7. However, the petitioner, if so advised, may surrender before the learned District Court and file regular bail application, alongwith all the required documents and if the learned District Court finds that the documents are valid and the petitioner was carrying all the required documents, relating to the tractor and trolly, as well as, seized sand, in that case, the learned District Court is directed to entertain the regular bail application of the petitioner and pass a reasoned order in accordance with law, same day.

8. Accordingly, the present pre-arrest bail application stands disposed of.

**(Purnendu Singh, J.)**

Niraj/-  
Ashishsingh/-

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