

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30714 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Rajendra Kumar S/o- Hemant Yadav @ Heman Yadav Village- Saladih
Indarwa, Ward No 5, P.S. --Koderma, Dist- Koderma

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna
through the Mines Inspector, Nawada Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar, Adv
For the Opposite Party/s :	Mr. Bharat Bhushan, APP
For the Mines Dep	Ms. Shruti Singh, Adv
	Mr. Naresh Dikshit, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioner, learned
counsel for the Mines Department and learned APP for the
State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 303(2), 317(2) of the
BNSS.

3. The prosecution story as unfolded in the FIR is that a
truck bearing registration no. JH12F-9042 of the petitioner was
seized by the Mining Inspector loaded with 543.75 CFT stone
and the driver of the truck, upon non-production of valid
documents before the police, was arrested and the case was
registered.

4. Learned counsel for the petitioner submits at the outset,
that the petitioner is the owner of the seized truck and the driver



was carrying a valid challan for transporting the loaded stone chips, (Annexure P-2) which would indicate that the period of challan was from 07.02.2025 to 10.02.2025. It has further been submitted that the truck had left on 07.02.2025 with the stone chips from Jharkhand and was on way to Nawada, when it was intercepted on 08.02.2025, with the allegation that the stone chips which was being transported was of excess quantity than for which the challan was issued and the same truck was being used multiple times, which cannot be a fact in view of the time indicated of leaving Jharkhand and entering Nawada. Further, as per column no. 5 of the transport challan, the permissible quantity was 600 CFT and at the time of seizure 543.75 CFT stone chips were found loaded and hence, neither the quantity of the stone chips was in excess quantity nor the vehicle was without valid documents.

5. Learned counsel for the Mines Department strongly opposes the grant of anticipatory bail to the petitioner on the ground that the vehicle has been used multiple times during the period of challan and has thus exceeded the quantity for which the challan was issued and in such course, a loss of Rs. 8,57,800/- has been caused to the government exchequer. In response to the same, it has been submitted that the vehicle of



the petitioner along with the stone chips is still in the custody of the Mines Department. The petitioner has clean antecedent.

6. Considering the rival contentions and also considering the fact that the question of causing loss to the government exchequer, is still available to the Mines Department, at the time of release of the truck, let the above named petitioner, in the event of his arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Muffasil P.S. Case No. 45 of 2025, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner would co-operate in the investigation and if, at any point of time, the department feels that the petitioner is not co-operating, they would always have liberty to pray for cancellation of bail of the petitioner.

(Soni Shrivastava, J)

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