

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50676 of 2025

Arising Out of PS. Case No.-124 Year-2025 Thana- MUFFASIL District- Aurangabad

Satyam Chouhan @ Satyam Saurabh, S/o- Sideshwar Prasad Singh @ Sinesh Singh, Village- Bharthuali, Ps- Muffasil, Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Inspector, Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 124 of 2025, registered for the offences punishable under Sections 303(2), 317(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4(1)(A), 21 of the MMDR Act 1957 and Sections 11, 18, 39 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 and Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021

3. The allegation against the petitioner is of storing the illegal sand after lifting it from Batane river without having any license for the same. In course if raid, 1000 cubic feet of



sand was recovered nearby the Ram Vilas Nagar Old Haveli.

4. Learned Advocate appearing on behalf of the petitioner submitted that admittedly the alleged recovery has been made from a place which does not belong to the petitioner. Had the recovery been made from the premises of the petitioner, there would have been signature of any of the family member of the petitioner in the search and seizure list, but surprisingly the seizure list witnesses are none else but the police personnels. It is further contended that the entire case is revolving around the suspicion and there is no materials connecting the petitioner with the alleged crime. The petitioner undertakes that he will fully cooperate in the proceeding of the Court. Moreover, he bears fair antecedent and the offence which have been alleged are not made out against the petitioner, in view of the fact that there is no recovery of illegal sand from the conscious or constructive possession.

5. On the other hand, learned Advocate for the Mines Department opposed the pre-arrest bail application and submits that the FIR clearly suggest the complicity of the petitioner in storing the illegal mined sand and a prayer has also been made for a short adjournment to file a counter affidavit.

6. Having regard to the submissions set forth at the



Bar and taking note of the fact that the alleged recovery has been made from the place which *prima facie* does not belong to the petitioner, coupled with the lack of materials which connect the petitioner with the recovered illegal sand, as also his undertaking that he will fully cooperate in the proceeding and his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 124 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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