

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58385 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- CHAKIA District- East Champaran

Bharat Singh @ Bharat Thakur Son Of Late Janak Thakur Resident Of
Professor Colony, Chakiya, East Champaran (BIHAR) ... Petitioner
Versus

1. The State Of Bihar
2. Md. Arman Rayeen, Mines Inspector, East Champaran, Motitari
... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Shyameshwar Dayal, A.P.P.
For the Mines Department	:	Mr. Naresh Dikhit, Advocate Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 03-01-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 21 and 56 of the Mines and Minerals (Development and Regulation) Act, 1957, Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2021 and sections 379 and 411 of the Indian Penal Code.

3. As per the prosecution case, on 6.4.2023 at about 1 pm, the Mining Inspector (informant) along with other officials conducted raid in front of Chakiya Vivah Bhavan, where they found that without valid license, petitioner and other accused persons have illegally stored sand and stone chips. Thereafter,



trucks, sand and stone chips were seized from the spot and FIR was lodged.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. Petitioner is neither owner nor driver of the seized vehicles nor he is owner of the land where sand and stone chips were stored. Petitioner claims clean antecedent.

5. Counter affidavit has been filed by the Mines Department. In paragraph 8 of the counter affidavit, it has been stated that petitioner along with other six persons were involved in illegal trade of sand and stone chips. Petitioner stored 3795 CFT of stone chips along with 4056 CFT of yellow sand causing loss of revenue to the State amounting to Rs.5,58,793/ which is recoverable from the petitioner.

6. Since petitioner is neither owner nor driver of the seized vehicles nor he is owner of the land where illegal sand and stone chips were allegedly stored coupled with the fact that the petitioner has got no criminal antecedent and he has been named in the case on suspicion, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on



bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Motihari Sadar in Chakiya Police Station Case No. 126 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

