

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54904 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- GAURICHAK District- Patna

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1. Sujeet Kumar S/O Naresh Roy R/O Chamardih, Bakarchak, Post Office- Alwalpur, P.S- Gaurichak, Distt.- Patna, Bihar-803203.
 2. Vinay Kumar S/O Ramanand Singh R/O Village- Khajurbana, Post Office- Ratni Bazar, P.S- Shakurabad and Distt.- Jehanabad, Bihar- 804421.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mineral Development Officer, Patna. Bihar
3. The Mines Inspector, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Avinash Chandra, adv
For the State	:	Mr.Shyam Kumar Singh, APP
For the Mines Dept.	:	Ms. Shruti Singh, Advocate
		Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of Mines Department.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable Rule 56(1)(i) and 56(2)(ii) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rule, 2019(Amended Rule, 2024) and Section 303(2) of BNS.

3. Allegation in the FIR lodged on behalf of Mines Department is that nine trucks and two JCB's were seized on the



fact that illegal mining was being conducted and the drivers of the said vehicles had fled away.

4. Learned counsel for the petitioners submit that it would be apparent from the FIR and seizure list itself that out of total 11 seized vehicles, the soil has been found in only two of the vehicles at Serial No. 3 and 4 of the seizure list and so far as the petitioner no. 1 is concerned he is the owner of the vehicle appearing at serial no. 5 of the seizure list bearing registration no. BR 01 GD 8356, while petitioner no. 2 is the driver of the same. It has further been submitted that the vehicle in question belonging to the petitioners was being run on the road for commercial purposes but no Rules of the Mining Department has been violated, inasmuch as, the fact is apparent that no soil has been seized from the same. Further, there is no independent witness to the seizure list which amounts to violation of the mandatory provisions of search and seizure.

5. Learned APP, however, opposes the grant of anticipatory bail on the ground that petitioner no. 1 has got criminal antecedent. In response to the same, it has been submitted that while petitioner no. 2 has no criminal antecedent, petitioner no. 1 is accused in four cases which are not of similar nature.



6. Considering the facts and circumstances of the case it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with **Gaurichak P.S. Case No. 60 of 2025** on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S 2023.

(Soni Shrivastava, J)

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