

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65176 of 2024

Arising Out of PS. Case No.-651 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Sadashiv Prasad Singh @ Sadashiv Prasad @ Sadashiv Singh son of
Mareshwar Singh Resident of 410, Ganeshalay Apartment, Jharudih, Near
Carmel School, Matkuria, Ps-Dhanbad Dist- Dhanbad, Jharkhand, 826001

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Mines Inspector, Aurangabad bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
Mr. Avinash Shekhar, Advocate
Ms. Simran Kumari, Advocate
Mr. Abhilash Jha, Advocate
For the Opposite Party/s : Dr. Mrs. Indihar Kumari, APP
For the Mines : Mr. Naresh Dixit, Advocate
Mrs. Kalpana, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 10-04-2025 Heard learned Counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the Mines Department.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379/420 of
the I.P.C., and under Rules 11/39/56 of Bihar Mineral
(Concession, Prevention of illegal mining, transportation &
Storage) Rules, 2019.

3. The prosecution case as unfolded in the F.I.R., by
the informant, who is the Mines Inspector, Aurangabad, goes to

show that during the course of inspection at K License no. K-10/2021, no sand was found at the site, whereas according to the PMU data, 22,08,725 CFT sand should have been present. Further, during inspection at K License no. 03/21, 38100MT sand was found at the K License site, whereas according to PMU data, 45890 MT sand should have been present. It has been alleged that the license holder has transported the CFT sand from K License Nos. 10/21 and 3/21, respectively, illegally without issuance of e-transit challans, causing revenue loss to the Department which is in violation of clauses 1, 12, 13 and 15 of the license and Rules 11 and 39 of the 2019 Rules and punishable under Rule 56 thereof.

4. Learned counsel for the petitioner submits that the petitioner has been made an accused in the case only on account of the fact that he happened to be the CEO of Aditya Multicom Private Limited (for short, AMPL) at the relevant time. It is also a fact that the petitioner is not named as an accused in the F.I.R., and the same has been lodged against the owner of the said company i.e., AMPL. He further submits that on account of the prohibition of use of trucks and 14 wheels, they had addressed a letter dated 20.04.2021 to the District Magistrate, Aurangabad, and surrendered its settlement of sand

ghats in the district of Aurangabad, as stated in paragraph no. 24 of the petition.

5. However, the learned counsel for the Mines Department invites the attention of the court to a statement made in paragraph no. 23 of the counter affidavit wherein it has been stated that the Collector, Aurangabad, vide his letter dated 24.09.2021, rejected the aforesaid letter of the AMPL mentioning about the non-performance of procedure by the petitioner while surrendering the sand ghats. The learned counsel for the Mines Department also relies on paragraph nos. 21 to 24 of the counter affidavit in order to oppose the bail application of the present petitioner.

6. Learned counsel for the petitioner, however, states that he has filed a rejoinder to the counter affidavit, and it would appear from paragraph no. 9 of his rejoinder affidavit that, so far as the surrender of settlement by AMPL is concerned, the initial statement was under the Bihar Minor Mineral Concession Rules 1972 for a period of five years from 01.01.2015 to 31.12.2019. Further from the perusal of Rule 16, it would be evident from term “mineral concession period” used in Rule 50(1) means only the initial term of five years and that the years from 01.01.2015 to 31.12.2019 was already over. Rule

50(1) would not apply to AMPL, and therefore AMPL was not required to give six months notice prior to surrendering its settlement.

7. Learned counsel for the petitioner, however, submits that in a number of other cases of similar nature filed by the Mines Department, the only difference being that of the search area of K License site, the petitioner has been granted the privilege of anticipatory bail. He further invites the attention of this Court to Annexure-12 series and P/15 series, which contain a number of orders passed by this Hon'ble Court granting the privilege of anticipatory bail to the petitioner.

8. Learned APP, however, also appears and submits that the Directors of the Company were taken into custody, to which the learned counsel for the petitioner responds that they were initially arrested, but insofar as the present position is concerned, they have also been enlarged on bail.

9. Taking into consideration the entire allegations as well as after perusal of the counter affidavit as also the rejoinder to the counter affidavit and the supplementary affidavit and primarily also maintaining the uniformity and parity to the other orders passed by this Court, let the petitioner, above named, in the event of his arrest or surrender before the Court below

within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar in connection with Daudnagar P.S. Case No. 651 of 2021 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, with further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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