

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56904 of 2025

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

1. Raj Nandan Singh S/o- Dularchand Singh R/o- Po- Mittan Chak Udaini
Punpun Ps- Gopalpur Dist- Patna
2. Sanjay Kumar S/o- Tetar Ray R/o- Janakpur, Fatehpur Ps- Gaurichak Dist-
Patna

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57046 of 2025

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

1. Ranjan Kumar S/o Vrindachand Singh R/o PO Mittan Chak, Udaini,
Punpun, P.S.- Gopalpur, Distt.- Patna, Bihar
2. Ravi Kumar S/o Indra Deo Singh R/o PO Mittan Chak, Udaini, P.S.-
Gopalpur, Distt.- Patna, Bihar

... .. 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 :

(In CRIMINAL MISCELLANEOUS No. 56904 of 2025)

For the Petitioner/s : Mr. Avinash Chandra, Adv.
For the State : Mr. Humayou Ahmad Khan, APP
For the Mines : Mr. Naresh Dikshit, Adv.
Ms. Shruti Singh, Adv.

(In CRIMINAL MISCELLANEOUS No. 57046 of 2025)

For the Petitioner/s : Mr. Avinash Chandra, Adv.
For the State : Mr. Humayou Ahmad Khan, APP
For the Mines : Mr. Naresh Dikshit, Adv.
Ms. Shruti Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 29-08-2025 As both these bail applications have arisen out of the same



police station case number, hence, with consent of the parties, they are being heard together and disposed of by this common order.

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

3. The petitioners apprehend their arrest in a case registered for the offences punishable under 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 the B.N.S., 2023.

4. The allegation in the FIR lodged on behalf of the 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.

5. Learned counsel for the petitioners submits that it would be apparent from the FIR and the seizure list itself that out of total eleven seized vehicles, the soil has been found in only two vehicles mentioned at Serial Nos. 3 & 4 of the seizure list and so far as the petitioners, namely, Raj Nandan Singh and Sanjay Kumar are concerned, they are said to be the owner and the driver of the vehicle appearing at serial no. 7 of the seizure



list bearing Registration No. BR01GE0885, respectively, while petitioners, namely, Ranjan Kumar and Ravi Kumar are said to be the owner and the driver of the vehicle mentioned at serial no. 6 of the seizure list bearing Registration No. BR01GF5516, respectively. It is further submitted that the vehicles in question belonging to the petitioners were being run on the road for commercial purposes and no rules of the Mining Department have been violated, inasmuch as, the fact is apparent that no soil has been seized from the same. It is next submitted that there is no independent witness to the seizure list which amounts to violation of the mandatory provisions of search and seizure.

6. Learned APP for the State and learned counsel appearing for the Mines Department, however, oppose the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and also taking into consideration that no soil was found on the alleged trucks and the similarly situated co-accused have been granted the privilege of anticipatory bail vide order dated 22.08.2025 passed in Cr. Misc. No. 54904 of 2025, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) **each** with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gaurichak P.S. Case No. 60 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the further condition that the petitioners would cooperate in the trial and appear before the Investigating Officer of the concerned Police Station as and when required till investigation is pending against them and in case of non-cooperation, the prosecution will be at liberty to file an application for cancellation of bail bonds of the petitioners before the learned Court below.

(Soni Shrivastava, J)

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