

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60736 of 2025

Arising Out of PS. Case No.-341 Year-2025 Thana- BANJARIA District- East Champaran

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TARIK ANWAR S/o Md. Irshad Alam @ Irshad Alam R/o vill - Mokhilsapur,
P.s.- Banjaria, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary cum Mines Commissioner mines and geology deptt., Govt. of Bihar, Patna
3. Ragini Kumari, Mineral Development officer, East Champaran at Motihari Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP
For the Mines Dept.	:	Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the Department of

Mine.

2. In the present case, the petitioner seeks bail in connection with Banjariya P.S. Case No. 341 of 2025 registered on 20.06.2025 for the offences under Sections 303(2) and 111 of the BNS and Rule 56 of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

3. As per prosecution case, on receiving information about illegal sand mining, a raid was conducted at identified place and 1 JCB and 7 tractors loaded with sand were seized. Petitioners and 3 other co-accused persons were apprehended from the spot.



Petitioner is stated to be one of the tractor's driver.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was neither present at the mining site nor engaged in extraction of sand and he was only transporting the sand. From the FIR, it is not clear that which tractor was driven by the petitioner. Learned counsel further submits that allegations of illegal mining of sand are general and omnibus. Seizure list has been prepared in complete violation of Section 103 of BNSS. Petitioner is in custody since 21.06.2025 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. as well as learned counsel appearing on behalf of Department of Mines vehemently oppose the submission made on behalf of the petitioner. Learned counsel submits that petitioner was caught red-handed with his tractor which was loaded with illegal sand.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is said to be a driver and further considering the vague nature of allegation against the petitioner and also considering the period of custody of the petitioner along with his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, East Champaran, Motihari/concerned court in connection with Banjariya P.S. Case No. 341 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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