

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62755 of 2025

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

Abid Hussain S/o Md. Samim R/o- Mokhlispur, P.S.- Banjariya, District-
East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Department of Mines, Government of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi
For the Opposite Party/s	:	Mr.Rita Verma
For the Informant	:	Mr. Naresh Dikshit
		Ms. Shwati Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Banjariya P.S. Case No. 341/2025 dated 20.06.2025 registered for the offences punishable u/ss 303(2), 111 of the BNS, Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining) Transportation and Storage Rules 2019, and section 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

3. As per the prosecution case, on receiving information about illegal sand mining, a raid was conducted at identified place and one JCB and seven tractors loaded with



sand were seized. The petitioner and the co-accused persons were apprehended from the spot. The petitioner is stated to be one of the tractor's driver.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the driver of one of the seized tractors. The petitioner was not present at the mining site nor engaged in extraction of sand and he was only transporting the sand. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 21.06.2025. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court vide order dated 09.09.2025 passed in Cr. Misc. No. 60736 of 2025.

5. Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with



Banjariya P.S. Case No. 341/2025, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii). The petitioner is directed to co-operate in the trial before the learned court below concerned.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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