

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8941 of 2026

Arising Out of PS. Case No.-101 Year-2025 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Kailu Singh @ Gulshan @ Gulshan Kumar, S/O Geeta Prasad Singh @ Lato
Singh @ Geeta Singh, Resident Of Village- Maharath, P.S.- Shahpur, District-
Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Dept. Officer, Sheikhpura Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sheo Nandan Prasad, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the O.P. No.2	:	Mr. Naresh Dikshit, Spl. P.P. Mines Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2026 Heard learned counsel for the Petitioner, learned
counsel for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Sheikhopur Sarai P.S. Case No. 101 of 2025 dated
24.07.2025 registered for the offences punishable under
Sections 132 and 3(5) of the Bharatiya Nyaya Sanhita and
Section 56 of the Bihar Minerals (Concession, Prevention of
Illegal Mining, Transportation and Storage) Rules, 2019.

3. As per the prosecution story, the informant, Neha
Kumari, Mining Inspector, Sheikhpura, states that on
24.07.2025 at about 2:00 P.M., during a surprise inspection



against illegal mining near Sheikhopur Sarai Block, a red-coloured tractor loaded with sand was intercepted, which had not displayed registration number and was carrying sand on the basis of an expired challan dated 23.07.2025. When the driver was directed to take the vehicle to the weighbridge for verification, the vehicle owner and driver, in collusion with each other, scuffled with the Home Guards and fled away with the tractor, during which the driver's blue-coloured Redmi mobile phone was seized. The tractor was carrying approximately 110 cft of sand without a valid challan, thereby causing loss to Government revenue.

4. Mr. Sheo Nandan Prasad, learned counsel appearing for the petitioner submits that the petitioner has no concern with the alleged mobile phone which is said to have been recovered from the alleged place, though he is owner of the alleged tractor and was also driving the same on the alleged day but the petitioner's tractor was not seized from the alleged place, which is undisputed and in this regard, specific statement has been made in paragraph no. 11 of the petition. It is lastly submitted that though against the petitioner there were 15 cases but he has been acquitted in six of them, so, presently against him there are criminal antecedents of nine cases.



5. On the other hand, Ms. Shruti Singh, learned counsel appearing for the O.P. No. 2, submits that petitioner's tractor could not be seized at the spot as he managed to escape when his tractor was being taken for weighing the loaded sand but at that time, there was no registration on the tractor's engine and the copy of the challan which was produced by the petitioner at the time of intercepting his tractor was found to be expired and the same was not valid at that time. It is lastly submitted that the petitioner has remained accused in four cases of the similar nature though there are some other cases also pending against him.

6. Considering the seriousness of the allegation appearing against this petitioner from the FIR as pointed out by learned counsel appearing for the O.P. No.2 and further taking note of the petitioner's nine criminal antecedents, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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