

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42501 of 2026

Arising Out of PS. Case No.-209 Year-2026 Thana- WARISLIGANJ District- Nawada

Ashok Yadav S/O Chandrika Yadav Resident of Village- Mudlachak, PS-
Warisaliganj, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 01-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Warisaliganj P.S. Case No. 209 of 2026 F.I.R dated 26.03.2026 registered for the offences punishable under Sections 305 (E) & 317 (2) of Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 26.03.2026 around 10:00 A.M. the informant, PSI, Warisaliganj, during patrolling duty and vehicle checking, found two tractors loaded with sand attempting to flee from the spot. Upon being chased, the drivers managed to escape and left the tractors abandoned. During search one vehicle, bearing Reg. No. BR27GA-2370 found loaded with 30 cft sand and the another one, bearing Reg. No. BR27G-5476 found loaded with 100 cft. Sand and both the vehicles were seized and, thereafter, seizure list was prepared in



accordance with law.

4. Learned counsel for the petitioner, by referring to the challans issued by the Mining Department, which is appended with the Anticipatory Bail Application as annexure-P/2, submits that the petitioner holds a valid challan for carrying the sand, which is said to have been seized under the Warisaliganj P.S. Case No. 209 of 2026. It has next been submitted that the instant F.I.R. is said to have been registered for illegal demand, which was being made by the Police officials and for non-fulfillment the instant case has been registered. It has also been submitted that the seizure list, which has been prepared, is in violation of the Sections 103 & 105 of the B.N.S.S., and only the Police officials are witness to the seizure. The petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail in respect of the petitioner.

6. Considering the fact that there is already a valid challan issued for carrying the sand and the petitioner having no criminal antecedent, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a



period of thirty days from the date of receipt of the order, 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 the learned Additional Sessions Judge-IX, Nawada in connection with the aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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