

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74429 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

1. Yugal Kishore Kewat Son of Late Daso Kewat R/o Village Panshala, P.S. - Mufassil, IDist. - Nawada.
2. Anil Kumar @ Anil Yadav Son of Ramjilal R/o Village - Panshala, P.S. - Muffasil, Dist. - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mineral Development Officer, Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mantu Kumar, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Spl.PP
		Ms.Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-04-2026 Heard Mr. Mantu Kumar, learned counsel appearing on behalf of the petitioners; Mr. Ajit Kumar, learned APP for the State and Mr.Naresh Dikshit, learned Spl.PP along with Ms. Shruti Singh, learned counsel appearing on behalf of the Mines Department.

2. The petitioners seek pre-arrest bail in connection with Complaint case no. 60/2025 registered for the offence(s) punishable under Sections 303(2), 317(2) and 111 BNS.

3. As per the allegation made in the FIR, the petitioners were found engaged in organized illegal sand mining and transportation, and upon a police raid, one tractor loaded



with sand was seized while the petitioners fled from the spot.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have been falsely implicated in the present case. The present case has been instituted on the basis of the application dated 18.02.2025 and on the alleged date of occurrence, the tractor in question was parked near the house of petitioner no. 1, which is duly corroborated by the GPS trip history report, and due to a local village dispute, the police have illegally seized the tractor and falsely implicated the petitioners in the alleged offence of illegal sand mining. The petitioner no.2 is the driver of the said tractor. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the Mines Department submitted that the alleged offence relates to illegal mining/transportation and is governed by the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, and in view of Section 56(2) thereof, the offence is compoundable and is to be dealt with by the competent authority in accordance with law.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.



7. Having heard the rival submissions made on behalf of the parties, as well as, upon perusal of the materials available on record, this Court finds that petitioner no. 1 is the owner and petitioner no. 2 is the driver of the tractor in question. The alleged offence is compoundable in nature under the aforesaid Rules. The tractor was found parked within the premises of petitioner no. 1, and thus, the question of confiscation does not arise at this stage. I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 3,40,000/- (Rupees Three Lakhs Forty Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending / Concerned Court in connection with Complaint case no. 60/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph No.3 of the bail application,



this order will automatically lose its force.

10. The District Magistrate-cum-District Mining Officer is directed to ensure that the authorities of the Mines Department within his jurisdiction act strictly in accordance with law and do not adopt any illegal or arbitrary approach.

11. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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