

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71230 of 2025

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

1. Rustam Ansari @ Md. Rustam S/o Late Jainuddin R/o Village - Mokhalishpur, P.S - Banjaria, District - East Champaran
2. Javed Ansari @ Md. Javed Alam S/o Late Kamaruddin R/o Village - Mokhalishpur, P.S - Banjaria, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary Cum Mines Commissioner Mines and Geology Department, Government of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-01-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Banjariya P.S. Case No. 341 of 2025 registered for the offences punishable under Sections 303(2) and 111 of the BNS, Rule 56 of the Bihar Mineral Rules, 2019 & Sections 4 and 21 of the Mines and Minerals Act.

3. As per FIR, seven tractors and one JCB was found carrying illegal sand, in contradiction of legal provisions as available through Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

4. It is submitted by learned counsel appearing on behalf of the petitioners by taking shelter of FIR, itself that name



of these two petitioners appears with this case for the reason that as they were named by the police station. It is submitted that with this much allegation petitioners were implicated with the present case otherwise they are neither owner of any of these tractors nor the driver or even connected in any manner with seized vehicles found carrying sand. While concluding argument, it is submitted that petitioner no. 1 found involved in one more case and petitioner no. 2 found involved in three more cases, but none of these cases are of similar in nature.

5. Learned APP while opposing the prayer of bail submitted that some of the co-accused persons were caught red-handed with tractor which was loaded with illegal sand.

6. In view of aforesaid factual submission and by taking note of fact as name of both these petitioners transpired with the present case merely on the basis of suspicion as raised by police station without disclosing any source, accordingly both above named petitioners, in the event of their arrest or surrender before the learned trial court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, East Champaran at Motihari/concerned Court, where the case is pending in connection



with Banjariya P.S. Case No. 341 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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