

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3011 of 2026

Arising Out of PS. Case No.-685 Year-2023 Thana- BELAGANJ District- Gaya

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Narendra Kumar @ Nakesh Yadav S/o- Siya Sharan Yadav @ Siyasharan
Yadav Village- Saho Bigha, Sheikhpura, Police Station-Belaganj, District-
Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mines Office, Gaya Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Mines Department:		Mr. Naresh Dikshit, Spl.PP
	:	Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Mines
Department.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379 and
411 of the Indian Penal Code and Sections 22 of the MM(DR)
Act, 1957 and 56 of the B.M. Rule, 2021.

3. The allegation in the First Information report
relates to illegal mining and storage of sand and the recovery of
the same upon secret information.

4. Learned counsel for the petitioner submits that it



would be evident from the First Information Report itself that the name of the petitioner has transpired only on some vague suspicion and as a matter of fact, the petitioner has nothing to do with the recovered sand in question. It has also been submitted that the seizure list has been prepared at the place of occurrence, however there is no independent witness to the said seizure list, thereby violating the mandatory provisions. Moreover, the alleged place is a public place which is accessible to all and as such, no responsibility can be fixed against the petitioner.

5. Learned counsel for the Mines Department vehemently opposed the prayer for anticipatory bail and submits that revenue loss to the tune of Rs.10,90,000/- has accrued to the Department.

6. Taking into consideration the facts and circumstances and considering that the basis of the implication of the petitioner is mere suspicion, coupled with the fact that the mandatory provisions of search and seizure list has not been followed, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Belaganj P.S. Case No. 685 of 2023, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2)
of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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