

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1659 of 2026

Arising Out of PS. Case No.-567 Year-2025 Thana- DAUDNAGAR District- Aurangabad

Sunil Kumar @ Sunil Mukhiya Son of Ram Naresh Singh R/o Village- Purna
Bigha, P.S.- Daudnagar, District- Aurangabad, (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Mines and Minerals Deptt. through the District Mining Officer,
Aurangabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr.Ramakant Singh
For the Opposite Party/state	: Mr.Binod Kumar , APP
For Mines & Mineral Deptt	:Mr. Naresh Dikshit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-05-2026

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Daudnagar P.S. Case No. 567 of 2025 dated 30.08.2025 registered under Section 303(2), 317(2) of the B.N.S., 2023 and Section 4, 21 of Mines and Minerals (Development and Regulation) Act, 1957.

3. As per the F.I.R. on 30.08.2025 at about 2:30 P.M. the informant with the Police force raided a sand ghat at Purna Bigha near Sone river and on seeing the Police party the driver of a tractor tried to flee away but the tractor was intercepted upon which about 100 CFT of sand extracted illegally from the ghat was loaded and was seized by the Police. It has further



been alleged that the Police inquired from the arrested person about the storage of the sand near the ghat having about 10,000 Cubic Feet upon which the informant was informed that storage of the sand was done by the petitioner.

4. Learned counsel for the petitioner submits that petitioner is neither the owner of the tractor nor the driver. The driver who was driving the tractor was having no connection with the petitioner. 100 CFT of illegally mined sand was kept on the tractor and the petitioner had no knowledge about the storage of the sand near the ghat. The name of the petitioner has transpired on the basis of disclosure of his name by the arrested co-accused i.e. driver of the tractor owned by one Ramautar Kumar having no connection with the petitioner. It is not the case of prosecution that storage of illegally mined sand was kept in the warehouse belonging to the petitioner or the land owned by him or taken on lease by the petitioner. The petitioner is having no criminal antecedent.

5. On the other hand, learned counsel for the Mines and Minerals Department opposed the prayer for anticipatory bail and submits that the name of the petitioner was disclosed by the arrested co-accused i.e. driver of the tractor on whose vehicle 100 CFT of illegally extracted sand was found and



seized. The storage of 10,000 CFT near the ghat of Sone river was made by the petitioner.

6. Regard being had to the submission made by the parties, taking into consideration the fact that 10,000/- CFT of sand was kept near the river ghat which is an open space accessible to everyone, the name of the petitioner has been disclosed by the arrested co-accused and the petitioner is having no criminal antecedent, accordingly, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the 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 SDJM, Daudnagar, District- Aurangabad in connection with Daudnagar P.S. Case No. 567 of 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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