IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 1901 of 2026
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1. Arif Shekh, son of Mirjad Shekh, resident of Raghunathganj, P.O. and P.S. Raghunathganj, District Murshidabad (West Bengal), at present residing at Village Prithibinagar, P.O. Prithibinagar, P.S. Pakur (M), District Pakur,
2. Asif Newaj, son of Amanat Sk., resident of Village Ilami, P.O. Ilami, Jharkhand P.S. Pakur (M), District Pakur, Jharkhand .... Petitioners

Versus

The State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Ms. Nitu Sinha, Advocate
For the State : Mr. Prabir Chatterjee, Special P.P.

02/29.04.2026 Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners are apprehending their arrest in connection with Pakur Town P.S. Case No. 28 of 2026, registered for the offence under Sections 303(2), 317(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023, Sections 4 and 21 of Mines and Minerals (Development and Regulation) Act, Rule 54 of Jharkhand Minor and Minerals Concession Rules, 2004 and Rules 7, 9 and 13 of Jharkhand Mineral (Prevention of Illegal Mining, Transportation and Storage) Rule, 2017 pending in the court of learned Chief Judicial Magistrate, Pakur.

3. Learned counsel appearing for the petitioners submits that the petitioner no.1 is the owner and petitioner no.2 is the driver of the Hyva vehicle and the allegations are made that 1200 CFT stone chips was loaded on the said Hyva. She further submits that the said vehicle was parked in the garage and it was not moving and from there, the vehicle has been seized. She also submits that the petitioners are having no criminal antecedent as disclosed in para 9 of the petition.

4. Learned counsel appearing for the State has opposed the prayer and submits that in absence of any proper document, the stone chips were loaded on the said Hyva.

5. Considering that the petitioner no.1 is the owner and petitioner no.2 is the driver and they are having no criminal antecedent as disclosed in para 9 of the petition and the vehicle in question was seized from garage and in that view of the matter, the petitioners, named above, are directed to surrender before the learned Court within two weeks from today and the learned Court shall release the petitioners on such terms and conditions or the sureties as the learned Court may deem fit and proper.

(Sanjay Kumar Dwivedi, J.)

Anit

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30.04.2026