IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2161 OF 2026

PRASAD GANESH MULEY
Versus
THE STATE OF MAHARASHTRA

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Mr. Rahul Pralhadrao Mote a/w Mr. Anirudha Khanderao Sonawane, Advocates for Applicant
Mr. S. A. Gaikwad, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.
DATED : 3rd NOVEMBER, 2026

PER COURT :

1. The present application seeks regular bail for the applicant, who came to be arrested on 22nd September, 2026 in Crime No.590 of 2026, registered with Bidkin Police Station, District Chhatrapati Sambhajinagar (Rural), for the offences punishable under Sections 303(2), 221, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections , 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act.

2. The prosecution story, in brief, is that on the date of the incident, the applicant, who was driving a vehicle carrying certain mineral soil, was accosted by the investigating agency, of which the informant was one of the parties. When the vehicle was inspected, approximately six brass of minor mineral murum was found

loaded in the said vehicle. When details pertaining to the ownership of the vehicle and royalty for carrying the said minor mineral murum were asked for, the present applicant could not answer, as he did not have the requisite documents. The Hyva vehicle was, therefore, taken into custody by the raiding officials, who were about to proceed to the police station for necessary investigation. It is alleged that, at that very time, the co-accused Rushi alias Rahul, came to the spot and stopped the said vehicle. When inquiries were made, the other co-accused person Sachin Gaware, who is the actual owner of the said vehicle reached the spot. Under the pretext of taking the said vehicle to the police station, he fled with the said vehicle. The present applicant came to be arrested on 22nd September, 2026.

3. Learned Advocate for the applicant submits that the present applicant was acting only as a driver upon instructions, as driving is his profession. He has no direct role in acquiring or possessing the minor mineral murum, which was loaded in the truck. The truck belonged to accused Sachin Gaware and he has nothing to do with the entire offence. The present applicant is arrested only because he was found driving the said vehicle. He submits that even if we take the entire case of the prosecution as it is, the involvement of the applicant in commission of the offence is

not revealed. Merely because he was driving the vehicle will not make him an accused for illegal mining or for carrying out illegal activities under The Mines and Minerals (Development and Regulation) Act. As far as the other offences alleged in the FIR are concerned, they will also not be attracted for the reason that he was driving the vehicle upon the permission and directions given by the owner of the vehicle. He prays that the applicant be released on bail.

4. Learned APP opposes the application and submits that the investigation is still in progress. The owner of the vehicle Sachin Gaware is still absconding. The applicant, who was driving the vehicle, had knowledge that he was illegally carrying the said minor mineral and that there were no supporting documents, licence or royalty papers for carrying the said minor minerals. He submits that the application of the applicant be rejected.

5. I have perused the copy of the FIR and have heard the learned Advocates appearing for the parties. Admittedly, the offences alleged against the present applicant are maximum punishable with five years of imprisonment. The applicant is in jail since 22nd September, 2026. Though the investigation is still in progress, the fact remains that, apart from the allegation that the

applicant was found driving the vehicle carrying minor mineral, there is nothing else on record to show that the applicant had knowledge that the minor minerals loaded in the vehicle were illegally possessed. Taking into consideration his imprisonment since 22nd September, 2026 and the fact that the other applicant Rushi Gaware has been granted interim bail by this Court in Anticipatory Bail Application No. 1999 of 2026, I am inclined to allow the application. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant Prasad Ganesh Muley, shall be released on bail in Crime No.590 of 2026, registered with Bidkin Police Station, District Chhatrapati Sambhajinagar (Rural), for the offences punishable under Sections 303(2), 221, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections , 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act, on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, subject to the following conditions :

a) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant

or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale