



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 569 OF 2026

Harishchandra Dattatraya Rupnar

VERSUS

The State Of Maharashtra

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- Mr. M. B. Karande, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 28.04.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 53 of 2026 dated 09.03.2026, registered with Parli City Police Station, District Beed, for the offences punishable under Section 303(2) of the BNS, 2023 and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.
3. The case of the prosecution, in brief, is that on 08.03.2026, while the police staff was on duty in connection with crime detection, they received reliable secret information that an illegally sand-laden Hyva tipper was proceeding from the direction of Parli towards

Kalratri Mandir Road. Acting upon the said information, the police party, along with panch witnesses, proceeded near Kalratri Mandir, Parli, and laid a trap. At about 22:00 hours, a Tata company Hyva tipper bearing registration No. MH-26 BE-1933 was noticed and intercepted. Upon inquiry, the driver disclosed his identity as the present accused. On checking the vehicle, it was found to be carrying approximately 5 brass of sand. The accused was asked to produce a valid permit/royalty pass; however, he failed to produce any such documents and gave evasive answers. It was thus revealed that the accused was illegally transporting sand without lawful authority, thereby causing loss to government revenue.

4. The police seized a Tata Hyva tipper valued at ₹35,00,000/- and 5 brass of illegally transported sand valued at ₹75,000/-. Thus, the total muddemal amounts to ₹35,75,000/-. Hence, as the accused was found transporting minor minerals illegally without permission, the present FIR came to be registered under the relevant provisions of law.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present crime. Even if the allegations are taken at their face value, the role attributed to the applicant is limited to being the owner of the said vehicle. The prosecution relies upon the statement of the co-accused recorded

during custody to implicate the present applicant. The driver of the vehicle was caught red-handed at the spot while allegedly transporting sand illegally. The sand as well as the vehicle has already been seized by the prosecution. The applicant has no criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence, the applicant may be protected.

6. Per contra, the learned APP strongly opposes the application on the ground that the applicant is the owner of the Hyva vehicle bearing registration No. MH-26 BE-1933, which was found loaded with 5 brass of sand allegedly excavated illegally. Upon receiving secret information, a raid was conducted by the police authorities, wherein the said vehicle was seized along with the sand. The driver, Bhibhishan Lande, could not produce any receipts for excavation or transportation of the sand and was arrested on the spot. During custodial interrogation, it has been revealed that the present applicant is an accomplice who was present at the time of loading the sand into the vehicle and had allegedly alighted from the vehicle just prior to the raid. Thus, the applicant is directly implicated in the present FIR. It is submitted that custodial interrogation of the applicant is necessary for effective investigation of the crime from all angles. Hence, the application may be rejected.

7. I have gone through the investigation papers made available by the learned APP. The co-accused, Bhibhishan Lande, has already been arrested at the spot and has been released on regular bail. The 5 brass of sand allegedly being transported illegally has been seized. The vehicle owned by the applicant has also been seized from the spot of the incident. There are no criminal antecedents to the discredit of the applicant. The apprehension expressed by the learned APP that, if released on bail, the applicant may commit similar offences can be taken care of by imposing stringent conditions. Hence, I am inclined to exercise powers under Section 482 of the BNSS. Accordingly, the following order is passed:

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of arrest of the Applicant – Harishchandra Dattatraya Rupnar, he shall be released on bail on furnishing a P.R. bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount each, in connection with FIR No. 53 of 2026 registered with Parli City Police Station, District Beed, for the offences punishable under Section 303(2) of the BNS, 2023 and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957, subject to the following conditions:

- A) The Applicant shall attend the concerned police station and report to the Investigating Officer every Thursday and Saturday between 12:00 noon and 02:00 p.m. till filing of the charge-sheet.
- B) The Applicant shall also cooperate with the investigation.
- C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

8. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the anticipatory bail granted hereinabove.

9. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.

10. In view of the above, the Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)