

Court of Addl. Sessions Judge II, Aurangabad

A.B.P No. 307/2026

Goh PS case no. 314/25

(Prahlaad Kumar v/s State of Bihar)

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For the petitioner – Shree Mukesh Kumar Singh, Advocate.
For the State – Shree S. N. Tiwary , APP

Present – Anindita Singh
Addl. Sessions Judge II
Arangabadad .

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16.4.26 -An Application for Anticipatory bail filed behalf of accused petitioner namely Prahlaad Kumar who is apprehending his arrest in connection with Goh PS case no. 314/2025 lodged u/s 303(2),318(4)BNS , u/s 21 MMDR Act,1957 u/s 11, 39, 41, 43, 56 of Bihar Mineral (Concession, Prevention of Illegal Mining, Transport & Storage) Rules No. 19 has been pressed today for hearing.

Heard Ld. Counsel of petitioner as well as Ld. APP.

One Kumar Pratyush is the informant of the case who is Mines inspector , District Mines Office ,Aurangabad .In the light of letter no. 5645/M, Patna dated 7.10.25 of the Departmental as well as as according to the direction of Mines Development Officer present case has been instituted by the informant . It has been alleged that the petitioner who is the K-license holder has illegally enhanced the capping of sand/ stone chips in his user ID by 39200 MT in mines portal without permission and has received minerals through railway rack from different states without having any valid challan and E-way Bill in this regard and has caused revenue loss of Rs 10,48,70,000/- to the government. Accordingly, FIR was registered.

It has been submitted by the Ld. Counsel on behalf of the accused petitioner that the petitioner is absolutely innocent and has not committed any offence as alleged in the FIR. Admittedly the petitioner is the license holder for K Storage. The only allegation against the petitioner is that he has brought minerals from other State through Railway Rack but there is no railway station in Goh. Further there is no specific allegation on which date and from where consignment was brought. There is only general and omnibus allegation against the petitioner. No bail petition is pending of the petitioner either in the Hon'ble High court or any other court. The petitioner has no criminal record also. Accordingly, prayer has been made to enlarge the accused petitioner on Anticipatory bail.

The Ld. APP opposed the prayer of the petitioner for anticipatory bail staunchly .

Heard and perused the record as well as the case diary which has already been received in this court in 28 paragraphs till 27.3.26 .Present petitioner who is admittedly a license holder is named in the FIR and the thrust of allegation against the petitioner is of enhancing the capping capacity of sand/stone chips by 39200 MT in his user ID and of receiving sand from other states through railway rack without permission and without having any valid challan and E- way bill causing revenue loss of Rs 10,48,70,000/- to the government. Informant in his re-statement in para no. 2, and other witnesses who are the Mines Inspector and District Mines Development officer in para no. 3, 4 of the case diary have fully supported the allegation . Further as per letter no. 446 of 7.2.26 of District Mines office, Aurangabad supported with all the relevant documents it is also found that capping has been enhanced once by the petitioner by 39200 MT and forged documents ,that is ,E-way bill, Challan out, stock details have

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been uploaded for inhancing the capping by the petitioner resulting in revenue loss to the government to the tune of Rs 32,62,500/- The allegation against the petitioner is not merely a regulatory lapse but a sophisticated Cyber economic offence . The nature of fraud also involves a significant loss to the government. Investigation of the case is still under progress .

Considering all the facts and circumstances of the case as well as the nature of allegation, I do not consider it a fit case for grant of privilege of Pre- arrest bail to the petitioner. Accordingly, instant Anticipatory petition filed on behalf of above mentioned petitioner is hereby rejected .

Sd/-
Anindita Singh
Addl. Sessions Judge II

CIVIL COURT AURANGABAD