

**In the Court of District & Additional Sessions Judge -IV, Begusarai**

B.A. No. 281 of 2026  
Arising out of Ballia P.S Case No. 65 of 2026

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1. **Sundaram Kumar**  
2. **Avinash Kumar** .....Petitioners

**Versus**

**The State of Bihar** .....Opp. Party

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<sup>e</sup>  
19.03.2026

1. The present regular bail application has been filed on behalf of the accused namely, 1. **Sundaram Kumar** 2. **Avinash Kumar** who are in custody since 31.01.2026 in connection with **Ballia P.S Case No. 65 of 2026** for having committed offences punishable under section 303(2) B.N.S, 21, 4(1) Mines and Minerals (Development and Regulation) Act-1957, 56(1), 56(2), 56(3) Bihar Mineral (Concession) Prevention Illegal Mining Transportation and Storage Rules-2019 & 15 Environment Protection Act.
2. Learned advocate on behalf of the petitioners has submitted that the petitioners are quite innocent and have not committed any offence. It was further submitted that earlier no bail application has been moved on their behalf either before this court or before the Hon'ble Patna High Court. As for the merits of the case the Ld. Counsel for the petitioners has submitted that the entire allegation as alleged against the petitioners are maliciously false and the petitioners have falsely been implicated in this case. It is palpably false to say that the tractor was loaded with 4 MT of white sand rather it was loaded with sandy soil, which was loaded from the land of the Malik for personal use. It is well clear that no case is made out against the petitioners. The case was registered u/s-303(2) B.N.S but from the fact it is not made out at all. The section 24(1) and 4(1) of MMDR Act is concern it is not made out as it relates to the mining of sand or Mineral illegally. It is false to say that the said loaded sandy soil was excavated. Taking the worth view the punishment is belong 7 years so it comes under the purview of 35(3) B.N.S.S. which was not granted by I.O. Rules 56(i), 56(ii), 56(iii) is not applicable against the petitioners. The petitioners are in judicial custody since 31.01.2026. It was further submitted that the petitioner no. 1 has one criminal antecedent vide Utpad P.S Case No. 485/2024 u/s-30(a) of Excise Act and the petitioner no. 2 has no criminal antecedent. On these grounds, it has been prayed that the bail application of the petitioners be allowed.
3. Learned counsel for the State opposed the prayer of the bail of the petitioner and submitted that the petitioners are named in the FIR. Hence, he does not deserve bail.
4. The prosecution story as per the informant Chandan Kumar Ajad is that on 31, 2026, at 1:00 AM, during a routine patrol, a tractor loaded with white sand was stopped for inspection on Bhabhan Toli Road, in front of the Government School, just past Shakti Chowk. The concerned tractor driver and helper failed to produce any valid documentation regarding the white sand loaded on the vehicle. Consequently due to the illegal transportation of white sand the seized tractor (along with its sand-laden trolley), the driver (Sundaram

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19/3/26

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Kumar), and the helper (Avinash Kumar) were brought to the police station premises and detained for safekeeping. In light of the information received, an inspection of the minerals loaded on the tractor was conducted on 31.01.2026, at 10:30 AM; the tractor-trolley was found to be carrying 4 MT of white sand. The concerned driver and helper once again failed to produce any valid documents pertaining to the loaded sand. The aforementioned tractor was being used to illegally transport white sand, a fact that points to illicit mining and transportation activities, thereby resulting in a loss of revenue to the government. Hence, this case.

5. Heard both sides and perused the record. The petitioner is in custody since 31.01.2026. In supervision the case u/s-303(2), 317 B.N.S & BM(GPIMT&S) rule-2019 and amendment rule 56(1)(11)56(3) and Environmental Protection Act 1986, Section 15 have been found true against the petitioners. The petitioner has filed chalan receipt which shows that the fine amount of Rs. 1,05,000/-has been deposited in the office of District Mining Office, Begusarai. The fine has been deposited. So, it is proper to give him the benefit of bail to the petitioners.

ORDER

6. In the light of facts and circumstances as mentioned above and period of incarceration of petitioner, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of like amount each to the satisfaction of the learned trial court.

Dictated

*Naveen*  
19/3/26  
I/c District and Addl. Sessions  
Judge-IV, Begusarai

Date of Order	19.03.2026
Date of reserving Order	N.A
Uploading Date	19.03.2026
Uploaded by	Brijendra Kumar