

The Court of Addl. Sessions Judge-Ist, Kishanganj
Anticipatory Bail Petition No. - 208 /2026
(Galgalia P.S. case no. 36/ 2026)

Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj

Rakesh Giri

..... (Petitioner)

Vs.

The State of Bihar (Opposite Party)

For the Petitioner	: Sri Nasim Akhter	(Advocate)
For the State	: Sri Suren Prasad Saha	(A.P. P.)

16-06-2026 1. Heard learned counsel for the petitioner namely, Rakesh Giri, who is apprehending his arrest in connection with Galgalia P.S. case no.-36/2026, u/s 336(3), 338, 340(2), 318(4), 3(5) of BNS, 11, 43, 56(1), 56(2) of Bihar Minerals (Prevention of illegal Mining Transport and storage) Rule and 21 of Mines and Minerals (Regulation and Development) Act. Also heard learned P. P. for the State.

2. Prosecution story as per typed report of informant Sunil Kumar, District Mining Officer, Kishanganj is that on 06.04.2026 while he was deputed at Galgalia Check post. He interecepted on Hywas 16 wheel vehicle bearing registration NO. WB73L-8559 and thereafter valid documents was demanded from the driver. The driver initially produced an e-challan which was invalid. Again the driver shown the e-challan in his whatssap which was sent at about 05:40 by the owner of the driver but it has been generated at 05:37 PM after the vehicle had already been seized. This indicated that the vehicle was allegedly transporting minerals illegally and the challan was generated after interception to mislead. On the basis of typed report of the informant Galgalia P.S. Case NO. 36/2026 was registered.

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioner is innocent and he has not committed any offence. Entire allegation alleged in the FIR are totally false, fabricated and concocted. The petitioner has a legally valid challan in his possession and there is no cogit and legally tenable proof of the exact time of intercepting the vehicle. The valid e-challan was verified after the vehicle was stopped and checked, therefore, it was not practically possible for the petitioner to have procured a bogus challan. The informant himself is stating in his statement that the e-challan was a genuine. All the other sections foisted under mining related acts and rules, though bailable in

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nature and are not attracted. Statement has been made in para 3 of the bail petition that the petitioner has clean antecedent

4. Learned P. P. has opposed the prayer for bail.

5. From perusal of record it transpires that there is allegation against this petitioner that he owner of the vehicle bearing registration no. WB73L-8559 over which stone chips was loaded and when challan was demanded to the driver. The driver shown the challan which was not valid. Again the driver showed the challan from his mobile which was received on his whatsapp which was valid from 06.04.2026 at 05:37 PM till 07.04.2026 at 05:37 AM, which was valid. The petitioner is owner of the vehicle and no criminal antecedent has been mentioned in the case diary against the petitioner. Considering the facts stated above, I am inclined to enlarge the petitioner of bail.

6. Considering the aforesaid facts and circumstances, the petitioner namely, Rakesh Giri is hereby directed to be released on bail in the event of his arrest or surrender within four weeks from of receipt of the copy of this order in learned Trial Court, on furnishing bail bond of the amount of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned court concerned subject to the conditions laid down under Section 482 of the BNSS.

Dictated

Sd/-
Suresh Kumar Singh II
Addl. Sessions Judge-1st
Kishanganj

Date of Judgment/Order	16-06-2026
Date of Reserving Judgment/Order	NA
Uploading Date	18-06-2026
Uploaded by	Steno