

**IN THE COURT OF SESSIONS JUDGE,
KAIMUR AT BHABHUA
(ABP No. 873/2026/ Filing No. 3677/2026)**

In re:

1. Binod Paswan, aged 32 years,
S/o Bhatu Paswan @ Bhutu Paswan,
2. Girish Kumar, aged 31 years,
S/o Ramji Paswan,
Both R/o Vill- Kulhariya, P.S- Durgawati, Distt.-Kaimur (Bhabua).

V/s
STATE

**FIR No: 23/2026
P.S : Durgawati
U/s: 317(2),303(2)BNS, 56 Bihar
Land Reforms Laws (Regulating
Mines and Minerals) Validation Act,
4(1)A,21 Mines and Minerals
(Development and Regulation) Act
Date Of Order: 11.06.2026**

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1. Heard Pratap Kumar, learned counsel appearing on behalf of the accused/petitioners and Sh. Sachidanand Rai, learned P.P. for State.
 2. Petitioners have stated in para 2 of their bail petition that no other bail petition, either anticipatory or regular has been filed/pending except this, either in this court or before Hon'ble High Court at Patna.
 3. Claiming themselves being the owner and driver of the seized tractor, it is submitted on behalf of petitioners that the tractor of the petitioner was never engaged in alleged illegal mining, rather, the same was being used for agricultural purpose and thus the submission is that offence U/s 317(2) and 303(2) is not applicable in this case and having similar situated allegation, co-accused has been granted anticipatory bail vide ABP No. 388 of 2026 and the case of the petitioners stands on similar footing.
 4. Learned PP has opposed the prayer for anticipatory bail of the petitioners.
 5. Heard both the parties and perused the record. It transpires from the perusal of record that the petitioner No. 1 is FIR named and Petitioner No. 2 is stated to be the driver of New Holland Tractor No. 3032. Allegation against them as per FIR are that on dated 21.01.2026 the mining team of Kaimur has raided several places in Durgawati.

During raid, at around 02:50 PM, two tractors loaded with soil mixed sand were stopped and the drivers of both the vehicles were asked to produce documents regarding transportation of sand but they failed to produce any valid papers and both the tractors were seized. The verification of Petitioner No. 1 being the owner of New Holland Tractor is mentioned in para 51 of case diary. It further transpires from perusal of para 10 that Petitioner No. 1 was given benefit of Section 35 BNSS during investigation. It is submitted on behalf of petitioners that no illegal sand was transportation through impugned vehicles, rather, Petitioner No. 1 with the help of his driver, Petitioner No. 2 were transporting the soil for their agriculture field. Petitioners are stated to have no criminal antecedent as mentioned in para 03 of their bail petition.

6. Considering the aforesaid fact and circumstances of the case, this anticipatory bail petition is **allowed** and in the event of their arrest or surrender within two weeks from the date of receipt of a copy of this order, these petitioners shall be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of trial court, subject to conditions as laid down u/s 482 of the BNSS. (Dictated)

Sd/- Anurag.
Sessions Judge