



**IN THE COURT OF V ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TUMKUR (SITTING AT TIPTUR).**

Dated this 22nd day of June, 2026

Present:

**SRI. HEMANTH KUMAR. C.R. B.A.L., L.L.B.,
V Addl. District and Sessions Judge
Tumkur (Sitting at Tiptur)**

Crl. Misc. No. 10236/2026

Petitioner/s : 1. Renuka Prasad (A-2)
S/o Prakash
Aged about 51 years,
R/o : Hombaiahnapalya,
Sira Gate, Tumkuru.

(By; Sri.B.P.R., Advocate)

V/s

Respondent : State by
Government of Karnataka
Represented by :
Sri. Dharaneesh H.B.,
Geologist,
Office of the Deputy Director of Mines
and Geology Department,
Tumkuru.

(By Public Prosecutor)

**Order on bail petition filed U/sec 482 of Bharathiya Nagarika
Suraksha Sanhita 2023**

This petition is filed by the petitioner/accused No.2 seeking anticipatory bail U/Sec.482 of BNSS, 2023 in PCR No. 126/2026 (CC No.406/2026) for the offences punishable U/Sec.21 and 22 of MMDR Act 1957.



2) The brief facts of the case :

The complainant has lodged the complaint alleging that on 01.05.2026, based on information received over the telephone from an informant at about 5.30 a.m., it was reported that the white quartz mineral was being illegally transported and mining operations were being carried out without any valid permit in the lease area situated within Kampanahalli Village, Huliyaaru Hobli, Chikkanayakanahalli Taluk, Tumkur District. After following, the vehicle involved in such transportation, a lorry bearing registration No.KA-06-D-2019 had been seized. On the same day, i.e., on 01.05.2026, the Tahsildar of Chikkanayakanahalli Taluk informed the Office over the telephone regarding the seizure of the said lorry and requested the officials to visit and inspect the matter. Accordingly, on 01.05.2026, the officials, along with the Geologist of the office, Smt. Tejaswini N.C., visited the office of the Tahsildar, Chikkanayakanahalli Taluk, and held discussion in this regard. During the said meeting, the Tahsildar furnished a letter bearing No.INDCR:06/2026-2027 dated 01.05.2026, wherein it was stated that, acting upon information received from an informant at about 5.30 a.m., he had visited the mining lease area situated in Sy.No.36 and 37 of Kampanahalli Village at about 6.15 a.m., along with departmental staff and vehicles. Upon inspection, a lorry loaded with white quartz stones was found in the lease area. The registration number of the vehicle was found to be KA-06-D-2019. When the driver of the vehicle was questioned regarding the transportation permit, he failed to produce any valid permit and stated that the quartz mineral had been loaded from another location. Since no valid permit was produced, the vehicle was taken into custody and handed



over to Huliyaaru Police Station. The Tahsildar, by his letter dated 01.05.2026, requested that appropriate legal action be initiated against the persons concerned for illegal transportation of quartz mineral.

3) Thereafter, the technical officers of the Department of Mines and Geology, along with Sri. Srinivasa, Revenue Inspector, Huliyaaru Circle, visited Huliyaaru Police Station and inspected the seized vehicle bearing registration No.KA-06-D-2019. Upon inspection, it was found that the vehicle contained approximately 25 metric tonnes of white quartz stones of varying sizes ranging from 300 mm to 400 mm. Photographs of the vehicle were taken and a joint mahazr was conducted. After removing the Tarpaulin covering the load, samples of the white quartz stones were collected for examination. Subsequently, the officials visited the lease area referred to by the Tahasildar and conducted an inspection. It was found that the quartz mining lease bearing No.2267 had been granted in favour of Sri. H.U. Manjunath in respect of an extent of 5.000 acres situated in Sy.No.36 and 37 of Kampanahalli village, Sy. No.20 of Gowdagere Village and Sy.No.56 of Kurihatti Village, Chikkanayakanahalli Taluk, Tumkur district. The said lease pertains to a major mineral. However, no persons was found present at the lease area at the time of inspection. The quartz stones found in the seized vehicle were physically compared with the in-situ quartz rock available in the lease area, and it was observed that both were different in nature and composition. Upon further verification, it was found that the vehicle owner and the leaseholder had illegally brought quartz mineral from another place into the lease area and thereafter transported the same by obtaining permits from the said lease area.



The quartz stones loaded in the lorry No.KA-06-D-2019 were different from the in-situ quartz rocks available in the lease area. The investigating revealed that, with a view to obtaining higher profits, quartz mineral was being illegally procured from other places without transportation permits, brought into the lease area, and subsequently transported by obtaining dispatch permits from Mines Lease No.2267. Such act were found to be in violation of the provisions of the Mines and Minerals (Development and Regulation) Act.

4) Since the lorry bearing registration No.KA-06-D-2019, which was involved in illegal transportation of white quartz mineral without a valid permit, had been seized by the Tahsildar, Chikkanayakanahalli Taluk, a request was made to the Regional Transport Officer, Tumakuru by letter dated 02.05.2026 seeking a B-extract relating to the ownership details of the vehicle. In response, the Transport Department furnished the B-extract, which disclosed that the registered owner of the vehicle was Sri. Renuka Prasad S/o Prakash, residing at Hombaiahnapalya, Sira Gate, Tumkuru. Further, notices bearing Nos.GBOI/Unitu/A.Sa/2026-2027/646 and GBOI/Unitu/A.Sa/2026-2027/645, both dated 02.05.2026, were issued respectively to the leaseholder and the vehicle owner, calling upon them to furnish suitable explanation regarding the source from which the quartz mineral had been procured and transported into the lease area. The complainant further stated that, by Notification No.S.O.924(E) dated 20.02.2025, Barytes, Feldspar, Mica and Quartz were notified as major minerals. Consequently, the quartz mining lease bearing No.2267 granted in favour of Sri. H.U. Manjunath became a lease pertaining to a major mineral.



5) Since the production of quartz mineral in the lease area was found to be low and with a view to obtaining higher commercial gains, the leaseholder had allegedly brought quartz mineral illegally from other locations without obtaining transportation permit and transported the same by using permits obtained from Mines and Minerals (Development and Regulation) Act, 1957, as amended. The act alleged constitute offences punishable U/Sec.4(1), 4(1A), and 21(1) to 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, and also amount to contravention of Rule 42(1) of the Karnataka Minor Mineral Concession Rule, 1994. The accused had engaged in illegal transportation of quartz mineral without obtaining any valid permit from the Government, thereby violating the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Karnataka (Prevention of illegal Mining, Transportation and Storage) Rules, 2011. Hence, requested to take legal action against the accused persons. The respondent filed a private complaint before the Prl. Civil Judge and JMFC., Chikkanayakanahalli, U/Sec.223 of BNSS, 2023 on 06.05.2026. Since the complainant is a public servant, recording of the sworn statement was dispensed with and the Magistrate was pleased to direct registration of a case against the petitioner and another for the offences punishable U/Sec. 21 and 22 of the Mines and Minerals (Development and Regulation) Act, 1957. Accordingly, a case in CC No.406/2026 was registered and summons were issued to the petitioner and another.

6) The petitioner being accused No.2 aggrieved by the same has preferred this bail petition on the following among other grounds:



The petitioner submits that the petitioner is innocent and has not committed any offence as alleged in the complaint and has been falsely implicated in the present case. The petitioner further submits that the petitioner is the lawful leaseholder of Mining Lease No.2267 in respect of 5.00 acres situated in Sy.No.36 and 37 of Kampanahalli village, Sy.No.20 of Gowdagere Village and Sy.No.56 of Kurihatti Village, Chikkanayakanahalli Taluk, Tumkur District, and has been carrying on mining operations strictly in accordance with the terms and conditions of the lease. The petitioner further submits that due to previous differences with the Tahsildar regarding the proposed use of the leased land for dumping municipal waste, a false case has been foisted against him with an ulterior motive to dispossess him from the leasehold property. The petitioner further submits that the petitioner merely the registered owner of the vehicle and had no knowledge regarding the alleged transportation of quartz mineral, as the vehicle was being operated by different persons on a daily rental basis and the petitioner is in no way connected with the seized mineral. The petitioner further submits that the offences alleged against the petitioner are not punishable with death or imprisonment for life and the investigation has already been completed and charge sheet has been filed and hence, custodial interrogation of the petitioner is not required. The petitioner further submits that the petitioner is a permanent resident of the address mentioned in the cause title, having deep roots in society, and there is no likelihood of his absconding or evading the process of law. The petitioner further submits that the petitioner is the sole breadwinner of his family and his detention would cause irreparable hardship to the family members who are dependent upon him and the petitioner



is respectable and law-abiding citizen having no criminal antecedents and there is no possibility of his tampering with prosecution witnesses or hampering the trial. The petitioner further submits that the petitioner is ready and willing to abide by the terms and conditions imposed by this court and also co-operate for the investigation and also ready to furnish surety. Hence, prays to allow the bail petition.

7) After service of notice, the learned Public Prosecutor has appeared and filed objection contending that the offences alleged against the petitioner are grievous in nature and the complaint averments prima-facie shows that the petitioner is involved in the alleged offences. The learned Public Prosecutor has further contended that the offence alleged against the petitioner U/Sec. 21 of MMRD Act is punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area. The learned Public Prosecutor has also contended that the investigation is completed and charge sheet has been filed in CC No.406/2026. As such, at this stage, if the bail petition of the accused No.2 is allowed there is a chances of threatening prosecution witnesses, destroy evidence, abscond and hamper the trial. Hence, prays to reject the bail petition.

8) Heard arguments and perused the records. The points that arise for my consideration are:

- 1) Whether the petitioner has made out sufficient grounds to allow the petition filed U/Sec. 482 of BNSS?



2) What order?

My findings on the above points are as under:

- 1) Point No.1 : In the Affirmative
- 2) Point No.2 : As per the final order
for the following:

REASONS

9) **POINT No.1:** The petitioner counsel has addressed the arguments contending that the petitioner is innocent and has not committed any offence as alleged in the complaint and has been falsely implicated in the present case. The petitioner counsel further contended that the petitioner is the lawful leaseholder of Mining Lease No.2267 in respect of 5.00 acres situated in Sy.No.36 and 37 of Kampanahalli village, Sy.No.20 of Gowdagere Village and Sy.No.56 of Kurihatti Village, Chikkanayakanahalli Taluk, Tumkur District, and has been carrying on mining operations strictly in accordance with the terms and conditions of the lease. The petitioner counsel further contended that due to previous differences with the Tahsildar regarding the proposed use of the leased land for dumping municipal waste, a false case has been foisted against him with an ulterior motive to dispossess him from the leasehold property. The petitioner counsel further contended that the petitioner merely the registered owner of the vehicle and had no knowledge regarding the alleged transportation of quartz mineral, as the vehicle was being operated by different persons on a daily rental basis and the



petitioner is in no way connected with the seized mineral. The petitioner counsel further contended that the offences alleged against the petitioner are not punishable with death or imprisonment for life and the investigation has already been completed and charge sheet has been filed and hence, custodial interrogation of the petitioner is not required. The petitioner counsel further contended that the petitioner is a permanent resident of the address mentioned in the cause title, having deep roots in society, and there is no likelihood of his absconding or evading the process of law. The petitioner counsel further contended that the petitioner is the sole breadwinner of his family and his detention would cause irreparable hardship to the family members who are dependent upon him and the petitioner is respectable and law-abiding citizen having no criminal antecedents and there is no possibility of his tampering with prosecution witnesses or hampering the trial. The petitioner counsel further contended that the petitioner is ready and willing to abide by the terms and conditions imposed by this court and also co-operate for the investigation and also ready to furnish surety. Hence, prays to allow the bail petition.

10) The learned Public Prosecutor has appeared and filed objection and addressed arguments contending that the offences alleged against the petitioner are grievous in nature and the complaint averments prima-facie shows that the petitioner is involved in the alleged offences. The learned Public Prosecutor has further contended that the offence alleged against the petitioner U/Sec. 21 of MMRD Act is punishable with imprisonment for a term which may extend to five years and with fine which may extend to



five lakh rupees per hectare of the area. The learned Public Prosecutor has also contended that the investigation is completed and charge sheet has been filed in CC No.406/2026. As such, at this stage, if the bail petition of the accused No.2 is allowed there is a chances of threatening prosecution witnesses, destroy evidence, abscond and hamper the trial. Hence, prays to reject the bail petition.

11) On perusal of the records, it is noticed that the prosecution of the case is that on 01.05.2026, at about 5.30 a.m., based on credible information received over the telephone regarding illegal transportation of white quartz mineral without any valid permit in the lease area situated at Kampanahalli Village, Hulyaru Hobli, Chikkanayakanahalli Taluk, Tumkur District, the Tahsildar, Chikkanayakanahalli Taluk, inspected the mining lease area in Sy.Nos.36 and 37 of Kampanahalli village at about 6.15 a.m. During the inspection, a lorry bearing registration No.KA-06-D-2019 loaded with white quartz stones was found. Upon enquiry, the driver failed to produce any valid transit permit and stated that the quartz mineral had been brought from another location. Consequently, the vehicle was seized and handed over the Hulyaru Police Station. Thereafter, officials of the Department of Mines and Geology, along with the Revenue Inspector, inspected the seized vehicle and found that it contained approximately 25 metric tonnes of white quartz stones. Samples were collected and a joint mahazar was conducted. Subsequently, the officials inspected Mining lease No.2267 granted in favour of Sri. H.U. Manjunath in Sy.Nos. 36 and 37 of Kampanahalli Village, Sy.No.20 of Gowdagere Village and Sy.No.56



of Kurihatti Village. On comparison, it was found that the quartz mineral loaded in the vehicle did not match the in-situ quartz rock available in the lease area, indicating that the mineral had been illegally transported from another place and brought into the lease area for unauthorized transportation under the guise of a valid lease. Further enquiry revealed that the registered owner of the vehicle was Sri. Renuka Prasad S/o Prakash, residing at Hombayyanapalya, Sira Gate, Tumkuru. Notices were issued to both the leaseholder and the vehicle owner seeking explanation regarding the source of mineral. It was further found that quartz had been notified as a major mineral vide Notification No.S.O.924(E) dated 20.02.2025 and that the acts of the accused is illegally transporting quartz mineral without any valid permit amounted to violations of Section 4(1), 4(1A), and 21(1) to 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, and also amount to contravention of Rule 42(1) of the Karnataka Minor Mineral Concession Rule, 1994, and the Karnataka (Prevention of illegal Mining, Transportation and Storage) Rules, 2011. Accordingly, legal action was sought against the accused.

12) On perusal of the records, it is noticed that the complainant filed a private complaint before the PrI. Civil Judge and JMFC., Chikkanayakanahalli, U/Sec.223 of BNSS, 2023 on 06.05.2026. Since the complainant is a public servant, recording of the sworn statement was dispensed with and the Magistrate was pleased to direct registration of a case against the petitioner and another for the offences punishable U/Sec. 21 and 22 of the Mines and Minerals (Development and Regulation) Act, 1957. Accordingly,



a case in CC No.406/2026 was registered and summons were issued to the petitioner and another. The petitioner has contended that he is ready and willing to abide by the terms and conditions imposed by this court and also co-operate with the investigation. The offences alleged against the petitioner though are grievous in nature and are not punishable with imprisonment for life or death sentence. In the present case, the investigation has been completed as such no purpose would be served if the accused No.2 is arrested and sent to judicial custody. The guilt of the petitioner has to be proved during the course of trial at this stage, it cannot be said that the petitioner is involved in the alleged offences and the petitioner having contended that he is ready and willing to abide by the terms and conditions and also co-operate with the investigation. The apprehension of the prosecution is that if the bail petition of the accused No.2 is allowed, there is every chance of petitioner threatening the prosecution witnesses, destroy evidence, abscond and hamper the trial. The said apprehension of the prosecution can be satisfied by imposing stringent conditions. Considering all these facts, I am of the opinion that the petitioner can be enlarged on bail by imposing certain conditions, which would meet the apprehension of the prosecution. Accordingly, I answer the point No.1 in **Affirmative.**

13) **POINT No.2:** For the reasons stated above, I proceed to pass the following:



ORDER

The petition filed by the petitioner/accused No.2 U/Sec.482 of BNSS, 2023 is hereby allowed.

The respondent – Mines and Geology Officer directed to release the petitioner/accused No.2 on bail in the event of his arrest in PCR No.126/2026 (C.C. No.406/2026) for the offences punishable U/Sec. 21 and 22 of the Mines and Minerals (Development and Regulation) Act, 1957, on obtaining self bond for Rs.50,000/-, with one surety for like-sum subject to the following;

Conditions:

- 1) The petitioner/accused No.2 shall not hamper or tamper with the prosecution witnesses or evidence in any manner.
- 2) The petitioner/accused No.2 shall not commit or involve in similar offences in future.
- 3) The petitioner/accused No.2 shall produce address proof document and not violate the conditions.

(Dictated to the Stenographer, transcribed by her, script thereof revised, corrected, signed and then pronounced by me in the open Court on this the 22nd day of June, 2026)

Sd/-

(Hemanth Kumar C.R.)

V Addl. District & Sessions Judge
Tumkur (Sitting at Tiptur)