

In the Court of District & Sessions Judge, Alipurduar.
Criminal Misc. Case No.182/2026
(CNR No. WBJP05-000411-2026)
Present : Sri Pukar Pradhan (J.O.No.WB01097)
Addl. District & Sessions, FTC-II,
In Charge of Sessions Judge, Alipurduar.

Kishan Majhi.....accused/petitioner
- Vs -
State of West Bengal

Order No.2 dt.09.03.26

The instant Criminal Misc Case is arisen out of the bail application filed u/s 482 BNSS by the applicant/petitioner **Kishan Majhi**, the resident of village Hathat Colony. Kohinoor TG, P.S. Samuktala, Dist. Alipurduar, in connection with G.R. Case No.275/2026, corresponding to Samuktala P.S Case No.13/2026 dt. 17.01.26, u/s 303(2)/317(2) of BNS read with Section 21 of Mines and Minerals Act.

Learned Advocate appearing for the accused/petitioner submits that the accused/petitioner has not moved any bail application for and on behalf of the accused before the Hon'ble High Court or the Hon'ble Supreme Court and no such application is pending or disposed of before the Hon'ble High Court or the Hon'ble Supreme Court.

Learned Advocate for the accused/petitioner submitted that the accused has been falsely implicated in the present case and the seized vehicle has already been released, hence prays for anticipatory bail on any stringent condition.

Learned Public Prosecutor, on the other hand, drawn the attention of the Court to page no.23 of the case diary wherein the name of present accused/petitioner Kishan Majhi is reflected. That apart, seizure has already been made and the seized vehicle has already been released.

Having heard the submission of Learned Advocate for both sides and upon perusal of the materials on record so far collected the Investigating Officer, it is seen that in terms of Section 21 of Mines and Minerals (Development and Regulation) Act, the cognizance of the offence punishable u/s 21 of Mines and Minerals Act is barred, unless the complaint has been made by an appropriate authority empowered vide Notification No.89-CI/Gr-D/4M-30/88 dated 24.1.1991. Therefore, if the applicability of Section 21 has been minimized, then other provisions incorporated in the FIR relates to theft and there is no such material to show that there was a wrongful loss or wrongful gain or dishonesty at this juncture. Hence, prayer for anticipatory bail is considered and **allowed**.

In the event of arrest, the accused/petitioner **Kishan Majhi** may find bail of **Rs.3,000/-** with two sureties of **Rs.1,500/-** each of like amount, subject to the satisfaction of the arresting authority and on condition that he shall comply with the requirements as enumerated u/s 482(2) of the BNSS.

Let a copy of this order along with LCR be sent to the learned CJM, Alipurduar for information and taking necessary action.

Thus, the instant Criminal Misc case is disposed of.

Dictated & corrected
by me

Sd/-
Sessions Judge, Alipurduar
IN-CHARGE.

Sd/-
Sessions Judge, Alipurduar.
IN-CHARGE.

OFFICE OF THE DISTRICT & SESSIONS JUDGE,
ALIPURDUAR.

Memo No.

Dated

Copy of order forwarded to :

- 1) *Ld. CJM, Alipurduar along with LCR being G.R.275/2026.*
- 2) **The I.O.**

Sessions Judge, Alipurduar.
IN-CHARGE.

