

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.2190 of 2025

Bansh Bahadur Singh, son of Haushila Singh, Vice President of
Globus Sprits Limited, resident of Olda, PO and PS Barsol,
District East Singhbhum **Petitioner(s)**

Versus

The State of Jharkhand. **Opposite Party(s)**

With

A.B.A. No.2191 of 2025

Amitabh Singh, son of late Prem Bahadur Singh, resident of
729, Sharon Tower, Gaur Sundaryan, PO and PS Bistrakh,
District Gautam Buddh Nagar, Uttar Pradesh **Petitioner(s)**

Versus

The State of Jharkhand. **Opposite Party(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. V.P. Singh, Sr. Advocate.
Ms. Bandana Kumari Singh, Adv.
For the State : Mr. Pankaj Kumar, P.P.

04/ 08.07.2025

Heard the parties.

2. These anticipatory bail applications under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioners apprehending their arrest for offences registered under Section 4 and 21 of Mines and Minerals (Development and Regulation) Act, 1957, Rules 4 and 54 of Jharkhand Minor Mineral Concession Rules, 2004 and Rules 7, 09 and 13 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2017 pending in the Court of JMFC, Ghatshila in connection with Barsol PS Case No. 08 of 2025.

3. The allegation against these petitioners is that in the company premises of these petitioners 5913.6 MT coal, 2500 CFT sand and 3500 CFT stone chips were recovered. It is the allegation that without there being valid dealer license under the Jharkhand Minerals (Prevention of Illegal Mining,

Transportation and Storage) Rules they were stealing the same.

4. During course of argument, learned senior counsel for the petitioners submits that the petitioners are not the dealer rather the company of the petitioners are the consumer of these materials which they have purchased under valid challan and documents. Further during course of arguments, he submits that the representative of the company has appeared before the Investigating Officer and submitted all the documents in reply to the notice under section 41A of Cr.PC.

5. Learned A.P.P. representing the State opposes the prayer for anticipatory bail.

6. Considering the submission of learned senior counsel that notice under section 41A of Cr.PC has been issued and the petitioners have replied the same and they have not been arrested, clearly suggests that the police officer did not find it prudent to arrest the petitioners.

7. Section 41A of the Cr.PC [Section 35(3) of BNSS] clearly provides that the police officer in all cases where arrest of a person is not required under provision of sub-section (1) of section 41 of Cr.PC, will issue a notice directing the person to appear before him.

Once a notice under section 41A of Cr.PC is issued the only presumption is that the police officer does not require the person to be arrested.

8. Now considering the statement of learned senior counsel for the petitioners since the petitioners had complied with the notice under section 41A of Cr.PC, I am of the opinion there is no apprehension of the petitioners that they will be arrested. Further it has also been submitted by learned counsel for the State that no warrant of arrest has been issued till date, which also suggests that there is no necessity to arrest the petitioners.

9. Considering the aforesaid fact, I am of the opinion that these applications are premature at this stage.

10. Accordingly, these Anticipatory Bail Applications stand **disposed of** with the liberty to the petitioners to take appropriate steps as per the decision of the Hon'ble Supreme Court.

11. I.A. No. 4656 of 2025, I.A. No. 6790 of 2025, I.A. No. 4647 of 2025 and I.A. No. 6791 of 2025 stand disposed of.

(ANANDA SEN, J.)

Tanuj/Cp-3