

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 5287 of 2025

1. Dhananjay Mahto, aged about 30 years, son of Nandlal Mahto, resident of Sarmali, Janumpiri, P.O. & P.S. Tamar, District- Ranchi, Jharkhand
2. Umapati Mahto, aged about 29 years, son of Laiyada Mahto, resident of Baruhatu, P.O. & P.S. Sonahatu, District- Ranchi, Jharkhand

... Petitioners

-Versus-

The State of Jharkhand

... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Abhishek Kumar, Advocate
For the State : Mr. Sunil Kumar Dubey, A.P.P.

04/15.09.2025 Heard learned counsel appearing for the petitioners and learned counsel appearing for the State.

2. The petitioners are apprehending their arrest in connection with Namkum P.S. Case No.147/2025, registered for the offence under Sections 317(5) of the BNS, Section 4/21 of MMDR Act, Rule 4/54 of J.M.M.C. Rules and Rule 9/11/13 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 pending in the Court of the learned Judicial Magistrate, 1st Class, Ranchi.

3. Learned counsel appearing for the petitioners submits that petitioner no.1 is the owner and petitioner no.2 is the driver of the Turbo vehicle and the allegations are made that 250 CFT sand was illegally loaded on the vehicle in question. He further submits that the petitioners are not having criminal antecedents, as disclosed in paragraph 10 of this application.

4. Learned counsel for the State opposed the prayer and submits that illegally sand was being carried on the said vehicle. He further submits that even notice under Section 35(3) of BNSS has not been complied by the petitioners.

5. In view of the above and considering that the petitioners have got no criminal antecedents and notice under Section 35(3) of BNSS has not been complied by the petitioners and in that view of the matter, the petitioners are directed to surrender before the learned Court within two weeks and the learned Court shall release the petitioners on such terms, conditions or sureties as the learned Court may deem fit and proper.

6. Accordingly, this application is disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 15th September, 2025
Ajay/