

IN THE HIGH COURT OF JUDICATURE AT PATNA

M/S. Aditya Multicom Pvt. Ltd.

Versus

The State of Bihar & Ors.

Criminal Writ Jurisdiction Case No.- 299 of 2022

[With Cr.WJC No.- 396/2021, Cr.WJC No.- 501/2021, Cr.WJC No.- 822/2021, Cr.WJC No.- 897/2021, Cr.WJC No.- 5/2022, Cr.WJC No.- 13/2022, Cr.WJC No.- 290/2022, Cr.WJC No.- 292/2022, Cr.WJC No.- 295/2022, Cr.WJC No.- 302/2022, Cr.WJC No.- 311/2022, Cr.WJC No.- 312/2022, Cr.WJC No.- 320/2022, Cr.WJC No.- 387/2022, Cr.WJC No.- 388/2022, Cr.WJC No.- 401/2022, Cr.WJC No.- 404/2022, Cr.WJC No.- 413/2022, Cr.WJC No.- 417/2022, Cr.WJC No.- 428/2022, Cr.WJC No.- 436/2022, Cr.WJC No.- 462/2022, Cr.WJC No.- 465/2022, Cr.WJC No.- 481/2022, Cr.WJC No.- 484/2022, Cr.WJC No.- 494/2022, Cr.WJC No.- 497/2022, Cr.WJC No.- 500/2022, Cr.WJC No.- 505/2022, Cr.WJC No.- 508/2022, Cr.WJC No.- 516/2022, Cr.WJC No.- 545/2022, Cr.WJC No.- 554/2022, Cr.WJC No.- 611/2022, Cr.WJC No.- 619/2022, Cr.WJC No.- 634/2022, Cr.WJC No.- 969/2022, Cr.WJC No.- 1069/2022, Cr.WJC No.- 1091/2022, Cr.WJC No.- 1395/2022, Cr.WJC No.- 6540/2023]

9th February, 2024

**(Hon'ble Mr. Justice Vipul M. Pancholi and Hon'ble Mr. Justice Rudra
Prakash Mishra)**

Issue for Consideration

- Whether Section 22 of the MMDR Act of 1957 read with Rule 56 of the Rules of 2019 may be interpreted so as to read a bar on lodging of the FIR alleging commission of offences of theft etc. under the provisions of the Indian Penal Code against a licensee in the matter of excavation of sand from the river beds from an area beyond or contrary to the mining plan and in violation of the Environment Clearance, on the face of Clause (v) under sub-rule-7 of Rule 56 and the judgements of the Hon'ble Supreme Court in Sanjay and Jayant's case.
- Whether the alleged thieving sale of sand from the stock license point without issuing pre-paid E-Challan and thereby causing huge revenue loss to the State Exchequer and unlawful gain to the petitioners may be subjected to an investigation by Police by way of a police case registered for the offences under Sections 379, 411, 406 and 420 IPC?
- Whether the judgments of the learned coordinate Benches in the case of Mithilesh Kumar Singh and M/s Aditya Multicom Pvt. Limited vs. The State of Bihar & Ors. (Cr.W.J.C. no. 1233 of 2021) are *per incurium* for not noticing the earlier judgment of a Bench of equal strength, hence not laying down a correct statement of law?

Headnotes

Minor Minerals (Development and Regulation) Act, 1957—Section 27—Indian Penal Code, 1860—Section 379—Bihar (Concessions, Prevention of illegal Mining, Transportation and Storage) Rules, 2019—Rule 11, 29(c), 36(3) and 56—concerned authority had issued the licence/permit in favour of the petitioners for excavation of the sand/minerals; and valid mining plan is also in favour of the petitioners—petitioners have challenged the lodging of the FIRs under Section 379—excavation beyond the Environment Clearance permitted area and transportation of sand without issuance of e-transit Challan.

Held: Hon'ble Supreme Court has held that Section 22 of the MMDR Act is not a complete and absolute bar for taking action for illegal and dishonestly committing theft of minerals including sand from the riverbed—in a case where there is a theft of sand and gravel from the government land, the police can register a case, investigate the same and submit a final report under Section 173 Cr.P.C. before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in Section 190(1)(d) of Cr.P.C;

(i) In the matter of excavation of sand from the river beds from an area beyond or contrary to the mining plan and in violation of the Environment Clearance, FIR alleging commission of offences of theft etc. under the provisions of the Indian Penal Code can be filed against a licensee and bar under Section 22 of the MMDR Act of 1957 read with Rule 56 of the Rules of 2019 would not be attracted;

(ii) For the alleged thieving sale of sand from the stock license point without issuing pre-paid E-Challan and for causing huge revenue loss to the State Exchequer and unlawful gain to the petitioners, FIR can be lodged for the offences punishable under Sections 379, 411, 406 and 420 IPC and it is open for the Investigating Officer to investigate the same;

(iii) The judgments of the learned Single Judge rendered in the case of Mithilesh Kumar Singh and M/s Aditya Multicom Pvt. Limited vs. The State of Bihar & Ors. (Cr.W.J.C. no. 1233 of 2021) can be said to be *per incurium* as the earlier decision rendered in the case of Broad Son Commodities Pvt. Ltd. rendered by another learned Single Judge was not cited and considered.

(Paras 17, 19 and 26)

Case Law Cited

Kanwar Pal Singh v. State of Uttar Pradesh And Anr., (2020) 14 SCC 331; Patel Dharmendrakumar Madhavlal v. State of Gujarat, 2014 SCC OnLine Gujarat 13687; Jayant vs. State of M.P., (2021) 2 SCC 670—**Relied Upon.**

Mithilesh Kumar Singh, 2019 (6) BLJ 149; M/s Aditya Multicom Pvt. Limited vs. The State of Bihar & Ors. (Cr.W.J.C. no. 1233 of 2021)—**Held Per Incurium.**

Mithilesh Kumar Singh vs. State of Bihar, 2019 (6) BLJ 149—**impliedly over ruled by the Hon’ble Supreme Court in Jayant vs. State of M.P., (2021) 2 SCC 670 and Kanwar Pal Singh v. State of Uttar Pradesh And Anr., (2020) 14 SCC 331**

State (NCT of Delhi) v. Sanjay, (2014) 9 SCC 772; Jayant v. State of M.P., (2021) 2 SCC 670; Broad Son Commodities Pvt. Ltd. & Anr. vs. The State of Bihar & Ors., 2018 (4) PLJR 706; M/s Aditya Multicom Pvt. Ltd & Anr. vs. State of Bihar & Ors., 2019 (2) BLJ 738; M/s Mahadev Enclave Pvt. Ltd. vs. State of Bihar, 2019(3) PLJR 166—Referred To.

List of Acts

Minor Minerals (Development and Regulation) Act, 1957, Indian Penal Code, 1860, Bihar (Concessions, Prevention of illegal Mining, Transportation and Storage) Rules, 2019

List of Keywords

Licence, permit, excavation of sands, e-transit Challan, mining plan.

Case Arising From

Referred by Learned Single Judge for consideration on certain points.

Appearances for Parties

(In Criminal Writ Jurisdiction Case No. 299 of 2022)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P.,

Mines For E.D. : Mr. Manoj Kumar Singh, Advocate

For U.O.I. : Dr. K.N. Singh, ASG

Mr. Shivaditya Dhari Sinha, JC to ASG

(In Criminal Writ Jurisdiction Case No. 396 of 2021)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 501 of 2021)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. S.K. Sharma, AC to A.A.G.3

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 822 of 2021)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Ms. Divya Verma, AC to A.A.G.3

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 897 of 2021)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the State : Ms. Divya Verma, AC to A.A.G.3

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 5 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 13 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 290 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora,

Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 292 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 295 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 305 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 311 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 312 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr.

Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 320 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 387 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 388 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 401 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 404 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 413 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 417 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 428 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 436 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 462 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr.

Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 465 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 481 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 484 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 494 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 497 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr.

Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 500 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 505 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 508 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 516 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7
 For U.O.I. : Dr. K.N. Singh, ASG
 For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 545 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate
 For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 554 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 611 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 619 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate; Mr. Madhav, Advocate; Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate; Ms. Riya Arora, Advocate; Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 634 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate Mr. Suraj Samdarshi, Advocate; Mr. Sriram Krishna, Advocate Mr. Madhav, Advocate Mr. Amarjeet, Advocate; Mr. Prabhat Kumar Singh, Advocate Ms. Riya Arora, Advocate Mr. Shivam, Advocate; Ms. Diksha, Advocate; Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 969 of 2022)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7; Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 1069 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate;; Mr. Suraj Samdarshi, Advocate Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 1091 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate; Mr. Suraj Samdarshi, Advocate; Mr. Rohit Singh, Advocate; Mr. Avinash Shekhar, Advocate; Mr. Vijay Shankar Tiwari, Advocate; Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 1395 of 2022)

For the Petitioner/s : Mr. Gopal Bohra, Advocate

For the Respondent/s : Mr. Gyan Prakash Ojha, G.A.7

(in Criminal Miscellaneous No. 6540 of 2023)

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, Advocate

Headnote prepared by Reporter: Abhash Chandra, Advocate

Judgement/order of the Hon'ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.299 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- BARUN District- Aurangabad

M/S. ADITYA MULTICOM PVT. LTD., THROUGH ITS AUTHORIZED SIGNATORY, PANKAJ SINGH @ PANKAJ KUMAR SINGH A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata - 700069, Aged about 29 years (Male) Son of Shri Murali Singh, Resident of Village - Balihar, P.O. - Dullahpur, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer In Charge, Barun Police Station, Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
8. The District Magistrate cum Collector, Aurangabad Bihar
9. The Mines Inspector, District Mining Office, Aurangabad. Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 396 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- RANIYATALAB District- Patna

BROAD SON COMMODITIES PVT. LTD. A company incorporated under the provisions of the companies Act, 1956 having its registered office at Dr. Himanshu Complex, block Road, Koilwar Chouk, P.S. Koilwar, District - Bhojpur (Ara), through its Director, Ashok Kumar aged about 65 years , Son of Ram Chandra Saw, resident of Village /Mohalla- Pareo, P.S. Bihta, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar



- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Patna. Bihar
- 5. The Officer In Charge, Rani Talab Police Station, Patna. Bihar
- 6. The Principal Secretary, Mines and Geology Deptt. Govtt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar
- 7. The Assistant Director, Mines and Geology Department, Govtt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
- 8. The District Magistrate cum Collector, Patna. Bihar
- 9. The Mines Inspector, District Mines office, Patna. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 501 of 2021

Arising Out of PS. Case No.-864 Year-2020 Thana- BIHTA District- Patna

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BROAD SON COMMODITIES PRIVATE LIMITED A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S. - koilwar, District - Bhojpur (Ara), through its Director, ASHok Kumar aged about 65 Years Son of Ram Chandra Saw, resident of Village/Mohalla - Pareo, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar, through Principal Secretary, Home, Govtt. of Bihar, Old Secretariat, Patna. Bihar
- 2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, patna. Bihar
- 4. The Superintendent of Police, Patna. Bihar
- 5. The Officer -In Charge, Bihta Police Station, Patna Bihar
- 6. The Principal Secretary, Mines and Geology Deptt., govtt. of Bihar, Vikas Bhawan, Bailey Road,Patna Bihar
- 7. The Assistant Director, Mines and Geology Deptt. Govtt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 8. The District Magistrate cum Collector, Patna. Bihar
- 9. The Mines Inspector, District mines office, Patna. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 822 of 2021

Arising Out of PS. Case No.-84 Year-2017 Thana- RISIYAP District- Aurangabad



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SADASHIV PRASAD SINGH @ SADASHIV PRASAD Son of Maleshwar Singh Resident of 410, Ganeshalay Apartment, Jharudih, Near Carmel School, Matkuria, Dhanbad, Jharkhand 826001.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of police, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer in Charge, Rishiup Police Station, Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan Bailey Road, Patna.
7. The Assistant Director, Aurangabad Bihar
8. The District Magistrate Cum Collector, Aurangabad. Bihar
9. The Mineral Development Officer, Aurangabad. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 897 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- RANIYATALAB District- Patna

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1. RAJEEV KUMAR Son of Late Lalan Singh Resident of Mohalla- Abhiyanta Nagar, Gola Road, P.S.- Rupaspur, District- Patna, Bihar.
2. Nitish Kumar @ Nitesh Singh Son of Madan Gopal Singh Resident of Near Bharat Petrol Pump, Kali Asthan, Dumraon Road, Bikramganj, P.S.- Bikramganj, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE ADDITIONAL CHIEF SECRETARY (HOME), GOVT. OF BIHAR, PATNA Bihar
2. The Principal Secretary, Deptt. of Mines and Geology, Govt. of Bihar, Patna. Bihar, Patna.
3. The Director General of Police, Bihar, Patna. Bihar, Patna.
4. The Zonal Inspector General of Police, Patna Zone, Patna, Bihar. Bihar
5. The Senior Superintendent of Police, Patna, Bihar. Bihar
6. The Station House Officer cum Officer in Charge Rani Talab P.S., District- Patna, Bihar. Bihar
7. Assistant Director, Deptt. of Mines, District Mines Officer, District- Patna,



Bihar cum informant Bihar.

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 5 of 2022

Arising Out of PS. Case No.-406 Year-2021 Thana- DEHRI TOWN District- Rohtas

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ADITYA MULTICOM PVT. LTD., A COMPANY THROUGH ITS CHIEF EXECUTIVE OFFICER, SADASHIV PRASAD SINGH SON OF MALESHWAR SINGH INCORPORATED UNDER THE PROVISION OF THE COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT 12, WATERLOO STREET, 2ND FLOOR, KOLKATA- 700069. RESIDENT OF 410, GANESHALAY APARTMENT, JHARUDIH, NEAR CARMEL SCHOOL, MATKURIA, DHANBAD- JHARKHAND, 826001

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT,PATNA BIHAR
2. THE PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA BIHAR
3. THE DIRECTOR GENERAL OF POLICE, BIHAR, OLD SECRETARIAT, PATNA BIHAR
4. THE SUPERINTENDENT OF POLICE, ROHTAS BIHAR
5. THE OFFICER IN CHARGE, DEHRI (TOWN) POLICE STATION, ROHTAS BIHAR
6. THE PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPTT., GOVT. OF BIHAR, VIKAS BHAWAN, BAILEY ROAD, PATNA BIHAR
7. THE ASSISTANT DIRECTOR, MINES AND GEOLOGY DEPT., GOVT. OF BIHAR, VIKAS BHAWAN, BAILEY ROAD, PATNA BIHAR
8. THE DISTRICT MAGISTRATE CUM COLLECTOR, ROHTAS BIHAR
9. THE MINES INSPECTOR, DISTRICT MINING OFFICE, ROHTAS BIHAR

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 13 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- TILAUTHU District- Rohtas

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M/S. ADITYA MULTICOM PVT. LTD.,A COMPANY THROUGH ITS CHIEF EXECUTIVE OFFICER, SADASHIV PRASAD SINGH SON OF MALESHWAR SINGH HAVING ITS REGISTERED OFFICE AT 12, WATERLOO STREET, 2ND FLOOR, KOLKATA-700069, RESIDENT OF 410, GANESHALAY APARTMENT, JHARUDIH, NEAR CARMEL SCHOOL, MATKURIA, DHANBAD- JHARKHAND 826001



... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH PRINCIPAL SECY., HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA BIHAR
2. THE PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA BIHAR
3. THE DIRECTOR GENERAL OF POLICE, BIHAR, OLD SECRETARIAT, PATNA BIHAR
4. THE SUPERINTENDENT OF POLICE, ROHTAS BIHAR
5. THE OFFICER IN CHARGE, TILHAUTU POLICE STATION, ROHTAS BIHAR
6. THE PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPT., GOVT. OF BIHAR, VIKAS BHAWAN, BAILEY ROAD, PATNA BIHAR
7. THE ASSISTANT DIRECTOR, MINES AND GEOLOGY DEPT., GOVT. OF BIHAR, VIKAS BHAWAN, BAILEY ROAD, PATNA BIHAR
8. THE DISTRICT MAGISTRATE CUM COLLECTOR, ROHTAS BIHAR
9. THE MINES INSPECTOR, DISTRICT MINING OFFICE, ROHTAS BIHAR

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 290 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- RISIYAP District- Aurangabad

M/S. ADITYA MULTICOM PVT. LTD., THROUGH ITS AUTHORIZED SIGNATORY, PANKAJ SINGH @ PANKAJ KUMAR SINGH A Company incorporated under the provisions of the Company Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata - 700069, Aged about 29 years (Male), Son of Shri Murali Singh, Resident of Village - Balihar, P.O.- Dullahpur, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer in Charge, Rishiyup Police Station, Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of



Bihar, Vikas Bhawan, Bailey Road, Patna.

- 8. The District Magistrate cum Collector, Aurangabad Bihar
- 9. The Mines Inspector, District Mining Office, Aurangabad. Bihar
- 10. The Mineral Development Officer, Aurangabad Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 292 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- DAUDNAGAR District- Aurangabad

=====

M/s Aditya Multicom Private Limited, through its authorized Signatory, Pankaj Singh @ Pankaj Kumar a compan Incorporated aunder the Provisions of the Companies act, 1956 having its registered office at 12, Waterloo Street, 2ne Floor , Kolkata 700069, , Aged about 29 years (Male) son of shri Murali Singh, Resident of Village Balihar, P.O.- Dullahpur, P.s.- Simari, Distt.- Buxar.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary, Home, Govt. of Bihar, Old Secretariat , Patna. Bihar
- 2. The Principal Secretary, Home Govt. of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Aurangabad. Bihar
- 5. The Officer in Charge, Daudnagar P.s., Aurangabad. Bihar
- 6. The Principal Secretary, mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Rd. Patna. Bihar
- 7. The Assistant Diretcor, Mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Rd. Patna. Bihar
- 8. The Distt. Magistrate Cum Collector, Aurangabad. Bihar
- 9. The Mines Inspector, Distt. Mining Office, Aurangabad. Bihar
- 10. The Mineral Development officer, Aurangabad. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 295 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- DAUDNAGAR District- Aurangabad

=====

M/s Aditya Multicom Pvt. Ltd. through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh A Company incorporated under the Provisions of the Companies Act, 1956 having its registered office at 12, waterloo Street, 2nd floor, Kolkata- 700069, through its Authorized Signatory, Pakaj Singh @



Pankaj Kumar Singh, aged about 29 years, son of Shri Murali Singh, resident of village Balihar, P.O. Dullahpur, P.S.- Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer in Charge, Daudnagar Police Station, Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of Bihar Vikas Bhawan, Bailey Road, Patan.
8. The District Magistrate Cum Collector, Aurangabad Bihar
9. The Mines Inspector, District Mining Office, Aurangabad. Bihar
10. The Mineral Department Officer, Aurangabad. Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 305 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- BARUN District- Aurangabad

M/S. ADITYA MULTICOM PRIVATE LIMITED ITS AUTHORIZED SIGNATORY, PANKAJ KUMAR @ PANKAJ KUMAR SINGH Son of Shri Murali Singh A Company incorporated under provisions of the Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, Resident of Village- Balihar, P.O.- Dullahpur, P.S.- Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Home, Govt. of Bihar, Old Secretariat, Patna. Bihar, Patna.
2. The Principal Secretary, Home, Govt. of Bihar, Old Secretariat, Patna. Patna.
3. The Director General of Police, Bihar, Old Secretariat, Patna. Patna.
4. The Superintendent of Police, Aurangabad. Aurangabad.
5. The Officer In Charge, Barun Police Station, Aurangabad. Aurangabad.
6. The Principal Secretary, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Patna.
7. The Assistant Director, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Patna.



- 8. The District Magistrate cum Collector, Aurangabad. Aurangabad.
- 9. The Mines Inspector, District Mining Officer, Aurangabad. Aurangabad.
- 10. The Mineral Development Officer, Aurangabad. Aurangabad.

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 311 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- NARALI KALA KHURD District-
Aurangabad

=====

M/s. Aditya Multicom Pvt. Ltd.,through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh A Company incorporated under the provision of the Companies Act, 1956, having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh, aged about 29 years (Male), Son of Shri Murli Singh, Resident of Village- Balihar, P.O. Dullahpur, P.S.- Simari, District- Buxar.

... .. Petitioner/s

Versus

- 1. STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA Bihar
- 2. The P)incipal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
- 4. The Superintendent of Police, Aurangabad. Bihar
- 5. The Officer in Charge, Narari Kala Police Station- Aurangabad. Bihar
- 6. The Principal Secretary, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
- 7. The Assistant Director, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
- 8. The District Magistrate Cum Collector, Aurangabad. Bihar
- 9. The Mines Inspector, District Mining Office, Aurangabad. Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 312 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- NAVINAGAR District- Aurangabad

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M/s Aditya Multicom Pvt. Ltd. through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh A Company incorporated under the Provisions of The Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kalkata- 700069, through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh, aged about 28 years (male) son of Shri Murali



Singh, resident of village Balihar, P.O. Dullahpur, P.S.- Simari, District-Buxar.

... .. Petitioner/s

Versus

1. The state of Bihar, through Principal Secretary, Home Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar,Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer in Charge, Navinagar Police Station, Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
8. the District Magistrate Cum Collector, Aurangabad. Bihar
9. The Mines Inspector, District Mining Office, Aurangabad. Bihar
10. The Mineral Development Officer, Aurangabad. Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 320 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- BARUN District- Aurangabad

Aditya Multicom Private Limited through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh A Company incorporated under the Provisions of The Companies Act, 1956, having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Pankaj Singh @ Pankaj Kumar Singh aged about 29 years (male) son of Shri Murali Singh, resident of Village- Balihar, P.O. Dullahpur, P.S.- Simari, District-Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY HOME GOVT. OF BIHAR Old Secretariat, Patna.
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer in Charge, Barun Police Station, Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.



- 7. The Assistant Director, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
- 8. The District Magistrate Cum Collector, Aurangabad Bihar
- 9. The Mines Inspector, District Mining Office, Aurangabad. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 387 of 2022

Arising Out of PS. Case No.-689 Year-2021 Thana- BIHTA District- Patna

=====

BROAD SON COMMODITIES PRIVATE LTD. THROUGH ITS AUTHORISED SIGNATORY SANTOSH KUMAR Son of Late Nageshwar prasad a company incorporated under the Provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S. Koilwar, District - Bhojpur (Ara), resident of Village/Mohalla 100, Pipra Pakadi, P.O. Pipra Pakadi, P.S. Bettiah Mufassil, District - West Champaran.

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME GOVERNMENT OF BIHAR, PATNA Bihar
- 2. The Principal Secretary, Home, government of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Patna. Bihar
- 5. The officer In Charge, Bihta Police Station, Patna. Bihar
- 6. The Principal Secretary, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar.
- 7. The Assistant Director, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 8. The District Magistrate Cum Collector, Patna. Bihar.
- 9. The Mines Inspector, District Mining office, Patna. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 388 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- SANDESH District- Bhojpur

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BROAD SON COMMODITIES PRIVATE LIMITED THROUGH ITS AUTHORISED SIGNATORY SANTOSH KUMAR S/o Late Nageshwar Prasad A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara) through its authorised



Singnatory Santosh Kumar S/o Late Nageshwar Prasad, Resident of Village/
Mohalla 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District-
West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, thorough Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Biahr
4. The Superintendet of Police, Bhojpur. Bihar
5. The Officer in Charge, Sandesh Police Station, Bhojpur Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
8. The District Magistrate cum Collector, Bhojpur. Bihar
9. The Mines Inspector, District Mining Officer, Bhojpur. Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 401 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- CHANDI District- Bhojpur

BROAD SON COMMODITIES PRIVATE LIMITED A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised signatory Santosh Kumar, aged about 42 years (Male), S/o Late Nageshwar Prasad, R/o Village/Mohalla 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Sect. Home Govt. of Bihar, Old Secretariat, Patna Bihar
2. The Principal Secretary, Home, Govt. of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Superintendent of Police, Bhojpur Bihar
5. The Officer in Charge, Chandi Police Station, Bhojpur Bihar
6. The Principal Sect., Mines and Geology Department, Govt. of Bihar, Vikas Bhawan Bailey Road, Patna, Bihar
7. The Assistant Director, Mines and Geology Department, Govt. of Bihar,



Vikas Bhawan BAILEY ROAD, PATNA, Bihar

- 8. The District Magistrate cum Collector, Bhojpur Bihar
- 9. The Mines Inspector, District Mining Officer, Bhojpur Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 404 of 2022

Arising Out of PS. Case No.-1018 Year-2020 Thana- DEHRI TOWN District- Rohtas

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SADASHIV PRASAD SINGH @ SADASHIV PRASAD @ SADASHIV SINGH SON OF MALESHWAR SINGH R/O- 410, GANESHALAY APARTMENT, JHARUDIH, NEAR CARMEL SCHOOL, MATKURIA, DHANBAD, JHARKHAND 826001

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR, THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA BIHAR
- 2. THE PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA BIHAR
- 3. THE DIRECTOR GENERAL OF POLICE, BIHAR, OLD SECRETARIAT, PATNA BIHAR
- 4. THE SUPERINTENDENT OF POLICE, ROHTAS BIHAR
- 5. THE OFFICER IN CHARGE, DEHRI POLICE STATION, ROHTAS BIHAR
- 6. THE PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPTT., GOVT. OF BIHAR, VIKAS BHAWAN, BAILEY ROAD, PATNA BIHAR
- 7. THE ASSISTANT DIRECTOR, MINES AND GEOLOGY DEPTT., DISTRICT MINING OFFICE, ROHTAS BIHAR
- 8. THE DISTRICT MAGISTRATE CUM COLLECTOR, ROHTAS BIHAR
- 9. THE MINES INSPECTOR, DISTRICT MINING OFFICE, ROHTAS BIHAR

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 413 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- IMADPUR District- Bhojpur

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BROAD SON COMMODITIES PRIVATE LIMITED A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised signatory Santosh Kumar, aged about 42 years (Male), S/o Late Nageshwar Prasad, R/o



Village/Mohalla 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil,
District- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Superintendent of Police, Bhojpur Bihar
5. The officer In Charge, Imadpur Police Station, Bhojpur Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan Bailey road, Patna, Bihar
7. The Assistant Director, Mines and Geology Dept., Govt. of Bihar, Vikas Bhawan, Baily Road, Patna Bihar
8. The District Magistrate cum Collector, Bhojpur Bihar
9. The Mines Inspector, District Mining Officer, Bhojpur Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 417 of 2022

Arising Out of PS. Case No.-253 Year-2020 Thana- NAVINAGAR District- Aurangabad

M/S. ADITYA MULTICOM PRIVATE LIMITED A company incorpotated under the Provisions of the Companies Act , 1956 having its Registered office at 12, Waterloo Street , 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Mr. Suwant Kumar, Aged about 33 Years, Son of Mr. Tapeswar Singh, Resident of Saranarayan, P.s.- Dariyapur, Distt.- saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home, Govt. of Bihar, Old Secretariat , Patna. Bihar
2. The PPrincipal secretary, Home, Govt. of Bihar, Old Secretariat , Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat , Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The Officer in Charge, Navinagar P.S., Aurangabad. Bihar
6. The Principal Secretary, Mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
7. The Assistan Director , Mines And Geology Deptt. , Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar.
8. The Distt. Magistrate Cum Collector , Aurangabad. Bihar



- 9. The Mines Inspector, Distt. Mining Officer, Aurangabad. Bihar
- 10. The Mineral Development officer, Aurangabad. Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 428 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- DARIHAT District- Rohtas

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M/S. ADITYA MULTICOM PRIVATE LIMITED A company incorporated under the provisions of the companies Act, 1956 having its registered office at 12, waterloo Street, 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Mr. Suwant Kumar , aged about 33 years, Son of Mr. Tapeswar Singh, resident of Village Saranarayan, P.S. Dariyapur, District - Saran.

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR, THROUGH PRINCIPAL SECRETARY, HOME GOVERNMENT OF BIHAR Old Secretariat, Patna, Bihar.
- 2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Rohtas. Bihar
- 5. The officer In Charge, Darihat Police Station, Rohtas. Bihar
- 6. The Principal Secretary, Mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 7. The Assistant Director, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar
- 8. The District Magistrate cum Collector, Rohtas. Bihar
- 9. The Mines Inspector, District Mining office, Rohtas. Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 436 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- DEHRI TOWN District- Rohtas

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Aditya Multicom Private Limited A Company Incorporated under the Provisions of the Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd floor , Kolkata-700069, through its Authorized Signatory, Mr. Suwant Kumar aged about 33 yr. son of Mr. Tapeswar Singh, Resident of Village Saranarayan, P.S.- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Principal secretary, Home, Govt. of Bihar, Old



Secretariat, Patna. Bihar

- 2. The Principal secretary, Home, Govt. of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police , Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Rohtas. Bihar
- 5. The Officer in Charge, Dehri (Town) Police Station, Rohtas. Bihar
- 6. The Principal secretary, Mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 7. The Assistant Director, Mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 8. The Distt. Magistrate Cum collector , Rohtas. Bihar
- 9. The Mnes Inspector, Distt. Mining Officer, Rohtas. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 462 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- PALIGANJ District- Patna

=====

BROAD SON COMMODITIES PRIVATE LIMITED A Company Incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised Signatory Santosh Kumar, aged about 42 Yeras (Male), S/o Late Nageshwar Prasad, R/o Village/Mohalla- 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District- West Champaran

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA Bihar
- 2. The Principal Secretary, Home Government of Bihar, Old Secretariat, Patna Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
- 4. The Superintendent of Police, Patna Bihar
- 5. The Officer in Charge, Paliganj Police Station, Patna Bihar
- 6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
- 7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan Bailey Road, Patna, Bihar
- 8. The District Magistrate cum Collector, Patna Bihar
- 9. The Mines Inspector, District Mining Office, Patna Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 465 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- DORIGANJ District- Saran

BROAD SON COMMODITIES PRIVATE LIMITED A Company Incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised Signatory Santosh Kumar, aged about 42 Yeras (Male), S/o Late Nageshwar Prasad, R/o Village/Mohalla- 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH PRINCIPAL SECRETARY, HOME, GOVERNMENT OF BIHAR, OLD SECRETARIAT, PATNA Bihar
2. The Principal Secretary, Home Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Superintendent of Police, Saran Chapra Bihar
5. The Officer In Charge, Doriganj Police Station Saran, Chapra Bihar
6. The Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan Bailey Road, Patna, Bihar
7. The Assistant Director, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan Bailey Road, Patna, Bihar
8. The District Magistrate cum Collector, Saran Bihar
9. The Mines Inspector, District Mining Officer, Saran Bihar

... .. Respondent/s

with
Criminal Writ Jurisdiction Case No. 481 of 2022

Arising Out of PS. Case No.-540 Year-2021 Thana- BARHARA District- Bhojpur

BROAD SON COMMODITIES PRIVATE LIMITED, THROUGH ITS AUTHORISED SIGNATORY SANTOSH KUMAR A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District Bhojpur (Ara), Through its authorised signatory Santosh Kumar, Aged about 42 years (Male), Son of Late Nageshwar Prasad, Resident of Village - 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar



- 2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Bhojpur. Bihar
- 5. The Officer In Charge, Barahara Police Station, Bhojpur. Bihar
- 6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
- 7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
- 8. The District Magistrate cum Collector, Bhojpur Bihar
- 9. The Mines Inspector, District Mining Office, Bhojpur. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 484 of 2022

Arising Out of PS. Case No.-954 Year-2020 Thana- DEHRI TOWN District- Rohtas

=====

ADITYA MULTICOM PRIVATE LIMITED A Company Incorporated under the Provisions of Companies Act, 1956 having its registered Office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Mr. Suwant Kumar, aged about 33 Years, S/o Mr. Tapeshwar Singh, R/o village- Saranarayan, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

- 1. The State of Bihar, through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
- 2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
- 4. The Superintendent of Police, Rohtas Bihar
- 5. The officer in Charge, Dehri Police Station, Rohtas Bihar
- 6. The Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan Bailey Road, Patna, Bihar
- 7. The Assistant Director, Mines and Geology Department, District Mining Office, Rohtas Bihar
- 8. The District Magistrate cum Collector, Rohtas Bihar
- 9. The Mines Inspector, District Mining Office, Rohtas Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 494 of 2022



Arising Out of PS. Case No.-126 Year-2021 Thana- NASRIGANJ District- Rohtas

ADITYA MULTICOM PRIVATE LIMITED, THROUGH ITS AUTHORIZED SIGNATORY, MR. SUWANT KUMAR A company incorporated under the provisions of Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, Son of Mr. Tapeshwar Singh, resident of Village Saranarayan, P.S. - Dariyapur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Govt. of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Rohtas. Bihar
5. The officer In Charge, Nasriganj Police Station, Rohtas. Bihar
6. The Principal Secretary, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar
7. The Assistant Director, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
8. The District Magistrate cum Collector, Rohtas. Bihar
9. The Mines Inspector, District Mining office, Rohtas. Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 497 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- DIGHWARA District- Saran

BROAD SON COMMODITIES PRIVATE LIMITED A Company Incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised Signatory Santosh Kumar, aged about 42 Yeras (Male), S/o Late Nageshwar Prasad, R/o Village/Mohalla- 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA Bihar
2. The Principal Secretary, Home, Govt. of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Superintendent of Police, Saran Chapra Bihar



- 5. The officer In Charge, Digwara Police Station , Saran , Chapra Bihar
- 6. The Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan Bailey Road, Patna, Bihar
- 7. The Assistant Director, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
- 8. The District Magistrate Cum Collector, Saran Bihar
- 9. The Mines Inspector, District Mining Officer, Saran Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 500 of 2022

Arising Out of PS. Case No.-456 Year-2021 Thana- KOILWAR District- Bhojpur

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BROAD SON COMMODITIES PRIVATE LIMITED, THROUGH ITS
AUTHORISED SIGNATORY SANTOSH KUMAR Son of Late Nageshwar
Prasad a company incorporated under the provisions of the Companies Act,
1956 having its registered office at Dr. Himanshu Complex, Block Road,
Koilwar Chouk, P.S. Koilwar, District Bhojpur (Ara), Resident of
Village/mohalla 100, Pipra Pakadi P.O. Pipra Pakadi, P.S. - Bettiah Mufassil,
District - West champaran.

... .. Petitioner/s

Versus

- 1. The State of Bihar,through principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 2. The Principal Secretary, Home, Govenment of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Bhojpur. Bihar
- 5. The officer In Charge, Koilwar Police Station, Bhojpur. Bihar
- 6. The Principal Secretary, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey road,Patna Bihar
- 7. The Assistant Director, Mines and Geology Deptt., Government of Bihar, Vikas Bhawan, Bailey Road Patna, Bihar.
- 8. The District Magistrate Cum Collector, Bhojpur. Bihar
- 9. The Mines Inspector, District Mining office, Bhojpur. Bihar.

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 505 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- AWTARNAGAR District- Saran

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BROAD SON COMMODITIES PRIVATE LIMITED A Company Incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised Signatory Santosh Kumar, aged about 42 Yeras (Male), S/o Late Nageshwar Prasad, R/o Village/Mohalla- 100, Pipra Pakadi, P.O.- Pipra Pakadi, P.S.- Bettiah Mufasil, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Superintendent of Police, Saran Chapra Bihar
5. The officer in Charge, Autar Nagar Police Station, Saran, Chapra Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
7. The Assistant Director, Mines and Geology Department, Govt. of Bihar Vikas Bhawan Bailey Road, Patna, Bihar
8. The District Magistrate Cum Collector, Saran Bihar
9. The Mines Inspector, District Mining Office, Saran Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 508 of 2022

Arising Out of PS. Case No.-464 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Broad Son Commodities Private Limited through its authorised signatory santosh Kumar A company incorporated under the provisions of the Companies Act, 1956 having having its registered office at Dr. Himanshu Compex, Block Road, Koilwar Chouk, P.S.- Koilwar, District Bhojpur (Ara), through its authorised Singatory Santosh Kumar, aged about 42 years (male), Son of Late Nageshwar Prasad, resident of Village/ Mohalla 100, Pipra Pakadi, P.O. Pipra Pakadi, P.S.- Bettiah Mufasil, District- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRTEARY, HOME GOVERNMENT OF BIHAR OLD SECRETARIAT, PATNA Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Saran Chapra. Bihar



- 5. The Officer in charge, Mufassil Police Station, Saran, Chapra. Bihar
- 6. The Principal Secretary, Mines and Geology Department , Governmetn of Bihar, Vikas Bhawan Bailey Road, Patna.
- 7. The Assistant Director, Mines and Geology Department Government of Bihar. Vikas Bhawan, Bailey Road, Patna.
- 8. The District Magistrate Cum Collector, Saran. Bihar
- 9. The Mines Inspector, District Mining Office, Saran. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 516 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- RANIYATALAB District- Patna

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BROAD SON COMMODITIES PRIVATE LIMITED, THROUGH ITS AUTHORISED SIGNATORY SANTOSH KUMAR Son of Late Nageshwar Prasad A company incorporated under the provisions of the companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S. Koilwar, District - Bhojpur (Ara). Resident of Village/Mohalla 100, Pipra Pakadi, P.O. Pipra Pakadi, P.S.- Bettiah Mufassil, District - West Champaran.

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR, THROUGH PRINCIPAL SECRETARY, HOME GOVERNMENT OF BIHAR, OLD SECRETARIAT, PATNA Bihar
- 2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Patna. Bihar
- 5. The officer In Charge, Rani Talab Police Station, Patna. Bihar
- 6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna,Bihar.
- 7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar.
- 8. The District Magistrate cum Collector, Patna. Bihar
- 9. The Mines Inspector, District Mining office, Patna. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 545 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- SAHAR District- Bhojpur

=====



Broad Son Commodities Private Limited A Company incorporated under the provisions of Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, District- Bhojpur (Ara), through its authorised signatory Santosh Kumar, aged about 42 years (Male), S/o Late Nageshwar Prasad, R/o Village/Mohalla 100, Pipra Pakadi, P.O.- Pipra pakadi, P.S.- Bettiah Mufassil, District- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME GOVT. OF BIHAR, OLD SECRETARIAT, PATNA Bihar
2. The principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. the Superintendent of Police, Bhojpur Bihar
5. The Officer In Charge, Sahar Police Station, Bhojpur Bihar
6. The Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
7. The Assistant Director, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
8. The District Magistrate Cum Collector, Bhojpur Bihar
9. The Mines Inspector, District Mining Office, Bhojpur Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 554 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- NAVINAGAR District- Aurangabad

M/S. ADITYA MULTICOM PRIVATE LTD., THROUGH AUTHORIZED SIGNATORY, PANKAJ SINGH @ PANKAJ KUMAR SINGH Son of Shri Murali singh A company incorporated under the provisions of the companies act, 1956 having its registered office at 12, waterloo Street, 2nd Floor, Kolkata- 700069, Resident of Village Balihar, P.O. Dullahpur, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME GOVT. OF BIHAR, OLD SECRETARIAT, PATNA. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Aurangabad. Bihar
5. The officer In Charge, Navinagar Police Station, Aurangabad. Bihar



- 6. The Principal Secretary, Mines and Geology Deptt., Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar.
- 7. The Assistant Director, Mines and Geology Deptt. Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 8. The District Magistrate cum Collector, Aurangabad. Bihar
- 9. The Mines Inspector, District Mining officer, Aurangabad. Bihar
- 10. The Mineral Development officer, Aurangabad. Bihar

... .. Respondent/s

with
Criminal Writ Jurisdiction Case No. 611 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- NTPC KHAIRA District- Aurangabad

ADITYA MULTICOM PRIVATE LIMITED A Company incorporated under the Provisions of the Comopanies Act 1956 having its registered office at 12, Waterloo Street , 2nd floor , Kolkata 700069, through its Authorized Signatory, Suwant Kumar , aged about 33 Years (Male), Son of Mr. Tapeswar Singh resident of Village - Saranarayan, P.s.- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

- 1. The State of Bihar throuth Principal secretary, Home Govt. of Bihar, Old Secretariat , Patna. Bihar
- 2. The Principal Secretary, Home, Govt. of Bihar, Old Secretariat , Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat , Patna. Bihar
- 4. The Superintendent of Police, Aurangabad. Bihar
- 5. The Officer in Charge, NTPC Police Station, Aurangabad. Bihar
- 6. The Principal Secretary, Mines and Geology Deptt. Govt. of Bihar, Vikash Bhawan, Bailey Rd. Patna. Bihar
- 7. The Assistant Director , Mines and Geology Deptt. Govt. of Bihar, Vikash Bhawan, Bailey Rd. Patna. Bihar
- 8. The Distt.- Magistrate cum Collector, Aurangabad. Bihar.
- 9. The Mines Inspector, District Mining Office, Aurangabad. Bihar
- 10. The Mineral Development officer, Aurangabad. Bihar

... .. Respondent/s

with
Criminal Writ Jurisdiction Case No. 619 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- NAVINAGAR District- Aurangabad

ADITYA MULTICOM PRIVATE LIMITED. A Company incorporated under the provisions of the Companies Act, 1956 having its registered office at 12,



Waterloo Street, 2nd Floor, Kolkata 700069, through its Authorized Signatory, Suwant Kumar, aged about 33 years (Male), S/o Mr. Tapeswar Singh, R/o village- Saranarayan, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME GOVERNMENT OF BIHAR, OLD SECRETARIAT, PATNA Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Superintendent of Police, Aurangabad Bihar
5. The Officer in Charge, Navinagar Police Station, Aurangabad Bihar
6. The Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar
7. The Assistant Director, Mines and Geology Dept. Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar
8. The District Magistrate cum Collector, Aurangabad Bihar
9. The Mines Inspector, District Mining Office, Aurangabad Bihar
10. The Mineral Development Officer, Aurangabad Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 634 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- KACCHWA District- Rohtas

ADITYA MULTICOM PRIVATE LIMITED, THROUGH ITS AUTHORIZED SIGNATORY, MR. SUWANT KUMAR A Company Incorporated under the provisions of the Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata - 700069, Aged About 33 Years, Son of Mr. Tapeswar Singh, Resident of Village - Saranarayan, P.S.- Dariyapur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
4. The Superintendent of Police, Rohtas. Bihar
5. The Officer In Charge, Kachhawan Police Station, Rohtas Bihar
6. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar.



- 7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar.
- 8. The District Magistrate cum Collector, Rohtas. Bihar
- 9. The Mines Inspector, District Mining Office, Rohtas. Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 969 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- KARPI District- Jehanabad

=====

- 1. INDUZ KUMAR Son of Sri Ram Narayan Verma Resident of Village - Teyap, PO- and P.S.- Karpi, Distt.- Arwal.
- 2. Chitranjan Kumar Son of Ram Janam Singh Resident of Village - Teyap, PO- and P.S.- Karpi, Distt.- Arwal.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Home Commissioner act of Bihar, Patna. Bihar
- 2. The Commissioner of Mines and Minerals, Govt. of Bihar, Patna. Bihar
- 3. Mines Inspector, Arwal, Distt. - Arwal. Bihar
- 4. Senior Superintendent of Police Arwal, Distt.- Arwal. Bihar
- 5. Officer 1/C P.S.Karpi, Distt.- Arwal. Bihar

... .. Respondent/s

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with
Criminal Writ Jurisdiction Case No. 1069 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- KOILWAR District- Bhojpur

=====

PRATAP DEVELOPERS PRIVATE LIMITED, THROUGH ITS DIRECTOR , HARI NARAYAN SINGH Son of Tej Pratap Singh a Company incorporated under the Provisions of the companies Act, 1956 having its office at Dhirendra Puram, Ranibandh Talab, Dhaiya, District Dhanbad, Resident of dhaiya, Near Rani Bandh Talab, Kalyanpur, P.O. Dhaiya, P.S.- Dhanbad, District - Dhanbad, Jharkhand- 826004.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary, Home, Goverment of Bihar, Old Secretariat, Patna. Bihar
- 2. The principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 3. The Director General of Police, Bihar, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Bhojpur. Bihar.



- 5. The officer In Charge, Koilwar Police Station, Bhojpur. Bihar
- 6. The Principal Secretary, Mines and Geology Deptt, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna. Bihar
- 7. The Assistant Director, Mines and Geology Deptt., Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna Bihar
- 8. The District Magistrate cum Collector, Bhojpur. Bihar
- 9. The Mines Inspector, District Mining office, Bhojpur. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 1091 of 2022

Arising Out of PS. Case No.-396 Year-2022 Thana- SHEKHPURA District- Sheikhpura

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- 1. M/S Arena Food and Agro Industries Private Limited through its director, Radhey Sharma A Company incorporated under the provisions of the companies Act, 1956, having its registered officer at Village Nimi, P.S. Shekhopur, District Nawada, through its director, Radhey Sharma aged about 47 years son of Harangi Singh, resident of Village Nimmi, P.S.- Shekhopur, Sarai, District- Sheikhpura.
- 2. Radhey Sharma S/o Harangi Singh Resident of Village- Nimmi, P.S.- Shekhopur, District- Sheikhpura.

... .. Petitioner/s

Versus

- 1. The State of Bihar, through Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna. Bihar
- 2. The Principal Secretary, Home, Government of Bihar,Old Secretariat Patna. Bihar
- 3. The Director General of Police, Old Secretariat, Patna. Bihar
- 4. The Superintendent of Police, Sheikhpura Bihar
- 5. The Officer in Charge, Shekhopura Police Station, Sheikhpura Bihar
- 6. The Principal Secretary, Mines and Geology Department Government of Bihar, Vikas Bhawan. Bailey Road, Patna.
- 7. The Senior Additional Collector Cum Mining Development Officer Sheikhpura. Bihar
- 8. District Magistrate Cum Collector, Sheikhpura Bihar
- 9. Mining Development officer, Sheikhpura. Bihar

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 1395 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- ATRI District- Gaya



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1. NIDHI KUMARI D/O Amarnath Singh R/O A-58, Police Colony, Near Park, Gandhi Vihar, Phulwari, Anisabad, P.S- Gardanibagh, District- Patna. Directors of M/S Eklavya Stone and Mines Pvt. Ltd. Registered Office Village- Pathra English, P.O- Orhanpur, P.S- Muffasil, District- Nawada
 2. Kumar Priti @ Kumari Preeti D/O Indradev Prasad R/O A-58, Police Colony, Near Park, Gandhi Vihar, Phulwari, Anisabad, P.S- Gardanibagh, District- Patna. Directors of M/S Eklavya Stone and Mines Pvt. Ltd. Registered Office Village- Pathra English, P.O- Orhanpur, P.S- Muffasil, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Home Govt. of Bihar, Old Secretariat, Patna Bihar
2. The Principal Secretary, Home, Govt. of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Old Secretariat, Patna Bihar
4. The Senior Superintendent of Police, Gaya Bihar
5. The Officer in Charge, Atri Police Station, Gaya Bihar
6. The Pr. Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna Bihar
7. The General Manager, Bihar State Mining Corporation Ltd., Patna Bihar
8. The Asstt. Director, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Raod, Patna Bihar
9. The District Magistrate cum Collector, Gaya Bihar
10. The District Mining Officer, Gaya Bihar
11. Satyendra Prasad Singh S/O Rampati Singh R/O Village- Harhapur, P.S- Nokha, District- Rohtas. Presently posted as Mines Inspector, District Mines Office, Gaya.

... .. Respondent/s

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with

CRIMINAL MISCELLANEOUS No. 6540 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- GAYA MUFASIL District- Gaya

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SUJAY SINGH SON OF RAM VIJAY SINGH R/O VILLAGE- DOHARI,
P.S.- MUFASSIL, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :



(In Criminal Writ Jurisdiction Case No. 299 of 2022)
For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
For E.D. : Mr. Manoj Kumar Singh, Advocate
For U.O.I. : Dr. K.N. Singh, ASG
Mr. Shivaditya Dhari Sinha, JC to ASG
(In Criminal Writ Jurisdiction Case No. 396 of 2021)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 501 of 2021)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. S.K. Sharma, AC to A.A.G.3
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 822 of 2021)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Ms. Divya Verma, AC to A.A.G.3
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 897 of 2021)
For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the State : Ms. Divya Verma, AC to A.A.G.3
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 5 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines

(In Criminal Writ Jurisdiction Case No. 13 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate



Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 290 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 292 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 295 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 305 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate



Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 311 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 312 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 320 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 387 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 388 of 2022)



For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 401 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 404 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 413 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 417 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 428 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate



Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 436 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 462 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 465 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 481 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 484 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate



Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 494 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 497 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 500 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 505 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 508 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate



Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 516 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 545 of 2022)
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
For U.O.I. : Dr. K.N. Singh, ASG
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 554 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 611 of 2022)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate
For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7
For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 619 of 2022)



For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 634 of 2022)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Sriram Krishna, Advocate
Mr. Madhav, Advocate
Mr. Amarjeet, Advocate
Mr. Prabhat Kumar Singh, Advocate
Ms. Riya Arora, Advocate
Mr. Shivam, Advocate
Ms. Diksha, Advocate
Mr. Madhukar Anand, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 969 of 2022)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7
Mr. Abhishek Singh, AC to G.A.7

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 1069 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 1091 of 2022)

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Rohit Singh, Advocate
Mr. Avinash Shekhar, Advocate
Mr. Vijay Shankar Tiwari, Advocate
Mr. Piyush Ranjan, Advocate

For the State : Mr. Gyan Prakash Ojha, G.A.7

For U.O.I. : Dr. K.N. Singh, ASG

For Mines Deptt. : Mr. Naresh Dixit, Spl. P.P., Mines
(In Criminal Writ Jurisdiction Case No. 1395 of 2022)

For the Petitioner/s : Mr. Gopal Bohra, Advocate

For the Respondent/s : Mr. Gyan Prakash Ojha, G.A.7
(In CRIMINAL MISCELLANEOUS No. 6540 of 2023)

For the Petitioner/s : Mr. Praveen Kumar, Advocate



For the Opposite Party/s : Mr. Shyameshwar Dayal, Advocate

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

Date : 09-02-2024

By a very elaborate order of reference, the learned Single Judge has referred the following questions for consideration of a Division Bench:

“(i) Whether Section 22 of the MMDR Act of 1957 read with Rule 56 of the Rules of 2019 may be interpreted so as to read a bar on lodging of the FIR alleging commission of offences of theft etc. under the provisions of the Indian Penal Code against a licensee in the matter of excavation of sand from the river beds from an area beyond or contrary to the mining plan and in violation of the Environment Clearance, on the face of Clause (v) under sub-rule(7) of Rule 56 and the judgements of the Hon’ble Supreme Court in **Sanjay** and **Jayant’s** case.

(ii) Whether the alleged thieving sale of sand from the stock license point without issuing pre-paid E-Challan and thereby causing huge revenue loss to the State Exchequer and unlawful gain to the petitioners may be subjected to an investigation by Police by way of a police case registered for the offences under Sections 379, 411, 406 and 420 IPC ?

(iii) Whether the judgments of the learned co-



ordinate Benches in the case of **Mithilesh Kumar Singh (supra)** and **M/s Aditya Multicom Pvt. Limited vs. The State of Bihar & Ors. (Cr.W.J.C. no. 1233 of 2021)** are per incurium for not noticing the earlier judgment of a Bench of equal strength, hence not laying down a correct statement of law ?”

2. The background of the reference may briefly be noted:

2.1 A batch of writ petitions were taken up together by the learned Single Judge. In all the writ petitions, the concerned petitioners have challenged the lodging of the FIRs under Section 379, and other provisions of Indian Penal Code (hereinafter referred to as the ‘IPC’) as also for the alleged violation of Rule 11, 29(c), 36(3) and 56 and other Rules of the Bihar (Concessions, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 (hereinafter referred to as the ‘Rules of 2019’) and Section 27 of the Minor Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the ‘MMDR Act, 1957’). The learned Single Judge, in para 2 of the order of reference dated 04.11.2022, has stated the allegations levelled in each of the FIRs, which are under challenge in the captioned writ petitions.

2.2 The basic contention on behalf of the petitioners in



the writ petitions is that for the offences alleged under the MMDR Act and the Rules of 2019 an FIR under the penal provisions of IPC cannot be registered. Further, the MMDR Act and the Rules made thereunder are in the nature of Special Statutes, therefore, the violation of the provisions of the MMDR Act and the Rules of 2019 are to be dealt only in accordance with the mechanism provided thereunder. The learned Senior Counsel appearing for the petitioners has mainly contended that the primary allegation against the petitioners is that of excavation beyond the Environment Clearance permitted area and transportation of sand without issuance of e-transit Challan. It is the contention of the petitioners that these allegations would be specifically covered under Rule 56(1) of the Rules of 2019 and the same shall be punishable under Section 56(2) of the said Rules and, therefore, the violation of the aforesaid cannot be treated as an offence punishable under Sections 379, 411, 406 or 420 IPC and, therefore, the FIR cannot be registered. It is also contended by learned Senior Counsel for the petitioners that Rule 61 of the Rules of 2019 provides that the offences under these rules shall be cognizable only upon a written complaint made in writing by the competent officer or any other officer empowered by the Government. Learned Senior Counsel for the



petitioners have also placed reliance upon provisions contained in Section 2(d) of the Code of Criminal Procedure (hereinafter referred to as the 'Cr.P.C.') which defines "complaint" which means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown have committed an offence, that would not include a police report. Thus, it was contended that cognizance can be taken upon a written complaint only and not on the basis of the police report. Thus, the police should not have registered the FIR.

2.3 The writ petitioners have also taken a contention that the sand stored at the K-license places belong to the petitioners and, therefore, the person cannot commit theft of his own goods. Thus, ingredients of Section 379 IPC are also not made out. It was further contended that on the basis of mining plan, the petitioners were granted the environmental clearance by the concerned authority which prescribed the particular area from which the petitioners could excavate the sand. Learned Senior Counsel for the petitioners, therefore, urged that if there is a violation of the provisions of the MMDR Act and the Rules of 2019, FIR is not maintainable and only private complaint can be filed by the competent officer before the concerned



Magistrate Court.

2.4 On the other hand, learned counsel appearing for the State has taken a contention that the MMDR Act or the Rules of 2019 bars cognizance on the basis of a police report but in a case where police report is submitted before a competent court under Sections 379, 411, 406 or 420 IPC, the learned Magistrate shall proceed in accordance with law. There is no law which bars lodging of FIRs.

2.5 Learned counsel for the Department of Mines would submit that sand are natural resources, public property and national assets and unauthorized extraction of sand from the river beds or sale of the sand without prepaid e-challan would constitute a theft within the meaning of Section 378 IPC. It is also submitted that the magnitude of theft may be imagined from the facts of these cases which involve over 500 crores of unlawful and illegal excavation and sale without pre-paid e-challan leading to a huge revenue loss to the State Exchequer. This amounts to causing unlawful loss to the State and unlawful gain to the licensee, thus, the ingredients of Section 406, 420 IPC are also attracted.

2.6 Learned counsel appearing for the parties have placed reliance upon the following decisions:



(i) State (NCT of Delhi) v. Sanjay, reported in (2014) 9 SCC 772

(ii) Jayant v. State of M.P., reported in (2021) 2 SCC 670

(iii) Broad Son Commodities Pvt. Ltd. & Anr. vs. The State of Bihar & Ors., reported in 2018 (4) PLJR 706

(iv) M/s Aditya Multicom Pvt. Ltd & Anr. vs. State of Bihar & Ors., reported in 2019 (2) BLJ 738

(v) M/s Mahadev Enclave Pvt. Ltd. vs. State of Bihar, reported in 2019(3) PLJR 166

(vi) Mithilesh Kumar Singh vs. State of Bihar, reported in 2019 (6) BLJ 149

(vii) Order dated 07.04.2022, passed in Cr.W.J.C. No.1233 of 2021 in the case of M/s Aditya Multicom Private Limited vs. The State of Bihar & Ors.

2.7 The learned Single Judge thereafter has considered the provisions contained in the MMDR Act, 1957 and the Rules of 2019. The learned Single Judge has also considered the provisions contained in Sections 378, 410, 411, 415, 420, 405 and 406 IPC and also considered the aforesaid decisions rendered by the Hon'ble Supreme Court as well as by this Court. The learned Single Judge thereafter observed that the



similar contentions taken in these writ petitions were taken before the learned Single Judge in the case of **Broad Son Commodities Pvt. Ltd. & Anr.** (supra), reported in **2018 (4) PLJR 706**. In the said case, the learned Single Judge has held that in the facts of the said case, it cannot be said that the registration of the FIR under the various provisions of IPC and subsequent investigation and cognizance taken by the learned Magistrate is illegal or bad in law.

2.8 Judgment of the learned Single Judge in the said case was challenged before the Hon'ble Supreme Court by filing SLP (Crl) No. 010596 of 2018. The said SLP (criminal) was dismissed as withdrawn.

2.9 The learned Single Judge thereafter has discussed the decisions rendered by another Co-ordinate Bench in the case of **M/s Mahadev Enclave Pvt. Ltd.** (supra), **M/s Aditya Multicom Private Limited And Anr.** (supra) and **Mithilesh Kumar Singh** (supra). After referring to the said decisions, the learned Single Judge was of the view that before the Co-ordinate Bench in all the aforesaid three cases, the decision reported in **2018 (4) PLJR 706** was not cited and, therefore, it seems that the learned Single Judge in all the aforesaid three cases has taken different view. The learned Single Judge has



thereafter referred the decisions rendered by the Hon'ble Supreme Court in the case of **Sanjay (supra)** and thereafter observed that the controversies involved in the writ petitions are settled by the Hon'ble Supreme Court despite which the another learned Single Judge in all the aforesaid three cases has taken different view and, therefore, the said decisions in all the aforesaid three cases can be said to be *per incurium*. The learned Single Judge has also referred the decision rendered by the Hon'ble Supreme Court in the case of **Jayant (supra)** and thereafter observed in paragraph 70 of the order of reference that "as also keeping in view the judgment of Hon'ble Apex Court in the case of **Sanjay (supra)** and **Jayant (supra)**, this Court reiterates its' earlier view that no fault may be found with lodging of the F.I.Rs. in these cases and investigation into these cases need not be interfered with at this stage. This Court regrets its' inability to agree with the views expressed by the learned co-ordinate Bench of this Court in the case of **Mithilesh Kumar Singh (supra)** and in Cr.WJC No.1233 of 2021 (Aditya Multicom Private Ltd. Vs. The State of Bihar & Ors.) disposed of on 07.04.2022."

2.10 The learned Single Judge, therefore, with a view to finally resolve the issues formulated the aforesaid three



questions and thereafter referred the matter to the Division Bench.

3. Heard Mr. Y.V. Giri and Mr. P.N. Shahi, learned Senior Counsels assisted by Mr. Suraj Samdarshi for the petitioners, Dr. K.N. Singh, learned Additional Solicitor General appearing on behalf of the Union of India, Mr. Naresh Dixit, learned Special P.P. for Mines Department and the learned counsel appearing on behalf of the State.

4. Learned Senior Counsels appearing for the petitioners mainly submitted before us that in all the present cases, the concerned authority had issued the licence/permit in favour of the petitioners for excavation of the sand/minerals and valid mining plan is also in favour of the petitioners. It is further submitted that ingredients of the offence punishable under Sections 378, 379, 406, 411 and 420 of IPC are not made out. It is further submitted that even if the allegations levelled against the petitioners are correct, even then the said can be a violation of provisions contained in MMDR Act and the Rules framed thereunder. It is further submitted that as per Section 22 of the MMDR Act and Rule 61 of the Rules of 201, there is a bar of taking cognizance by the concerned Court on the basis of the police report submitted by the investigation agency. It is further



submitted that decision rendered by this Court in the case of **Mithilesh Kumar Singh (supra)**, **M/s Aditya Multicom Private Limited (supra)** and **M/s Mahadev Enclave Pvt. Ltd. (supra)** would be applicable to the facts of the present case. It is also submitted that only the authorized officer can file a private complaint before the concerned Magistrate court and thereafter it is open for the concerned court to take cognizance of the same.

5. On the other hand, the respondents herein have submitted that this Court may not examine the facts of each of the FIRs. as the learned Single Judge has made the reference to the Division Bench. It is submitted that after answering the questions, this Court may refer the matter once again to the learned Single Judge for deciding the same on its own merits. Learned counsel for the respondents have once again placed reliance upon the decisions rendered by the Hon'ble Supreme Court in the case of **Sanjay (supra)** and **Jayant (supra)** and thereafter contended that now the law is well settled and, therefore, from the allegations levelled in the FIR, if the ingredients of offences punishable under Sections 378, 379, 406, 411, 420 IPC are made out, such FIRs. may not be quashed and set aside and the bar would not be applicable.



6. We have considered the submissions canvassed by learned counsel appearing for the parties. We have also gone through the materials placed on record. At the outset, we would like to refer relevant provisions of MMDR Act, 1956 and the Rules of 2019.

6.1 The Parliament enacted MMDR Act, 1957. The Act provides for development and regulation of mines and minerals under the control of the Union. The word “minor minerals” has been defined under Clause (e) of Section 3 which reads as under:-

“(e)- “Minor Minerals” means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral;”

6.2 Section 4 thereof provides that the prospecting or mining operations are to be done under a license or lease. Under this provision, no person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting license or, as the case may be, of a mining lease, granted under this Act and the rules made thereunder. Sub-section (3) of Section 4 says that any State Government may, after prior consultation with the Central



Government and in accordance with the rule made under Section 18, undertake reconnaissance prospecting or mining operations with respect to any mineral specified in the First Schedule in any area within that State which is not already held under any reconnaissance permit, prospecting license or mining lease. Section 9 talks of royalty in respect of mining lease- according to Sub-section (2) of Section 9, the holder of a mining lease granted on or after the commencement of this Act shall pay royalty in respect of any mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee from the leased area at the rate for the time being specified in the Second Schedule in respect of that mineral.

6.3 Section 15 of the MMDR Act 1957 confers limited power upon the State Government to make rules in respect of minor minerals. By virtue of sub-section (1) of Section 15, the State Government may, by notification in the Official Gazette, make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith. Such rules may provide for all or any of the matters specified under sub-section (1A) of Section 15.

6.4 Section 21 prescribes penalties for contravention



of the provision of sub-section (1) or sub-section (1A) of Section 4 of the Act. Whoever contravenes those provisions shall be 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.

6.5 Sub-section (2) of Section 21 of the MMDR Act prescribes that any rule made under any provisions of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention. According to sub-section (5) of Section 21, whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority. Sub-section (6) of Section 21 says that “notwithstanding anything contained in the



Code of Criminal Procedure, 1973, (2 of 1974), an offence under sub-section (1) shall be cognizable.” The explanation has been inserted under sub-section (6) of Section 21 which reads as under:-

“Explanation:- on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the expression “raising, transporting or causing to raise or transport any mineral without any lawful authority” occurring in this Section, shall mean raising, transporting or causing to raise or transport any mineral by a person without prospecting licence, mining lease or composite license or any contravention of the rules made under Section 23C.”

6.6 Section 23 of the MMDR Act deals with offence by a company. Sub-section (1) of Section 23 provides that if the person committing an offence under this Act or any rules made thereunder is a company, every person who at the time the offence was committed was in-charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. The proviso to sub-section (1) of Section 23, however, says that anything contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised due diligence to



prevent the commission of such offence. Sub-section (2) of Section 23 starts with a non-obstante clause. According to this sub-section, notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of any director, manager, secretary or other officer, all such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. For the purpose of this Section, “company” means anybody corporate and includes a firm or other association of individuals. The word “director” in relation to a firm means a partner in the firm.

6.7 Section 23A makes the offence compoundable under this Act and or any rules made thereunder compoundable by the person authorized under Section 22 to make a complaint to the court with respect to that offence. Sub-section 2 of Section 23A says that whether an offence is compounded under Sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith.

6.8 Section 23C confers power on the State Government to make rules for preventing illegal mining,



transportation and storage of minerals. The State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.

6.9 Section 23C has been inserted by way of Mines and Minerals (Regulation and Development) Amendment Act 1999 (Act 38 of 1999) w.e.f 18.12.1999. A careful perusal of Sections 15 and 23C would suggest that the State Government has power to make rules but it is restricted to: (i) making rules for grant of mining leases or other mineral concession in respect of minor minerals and for the connected purposes, and (ii) making rules for preventing illegal mining, transportation and storage of minerals and connected purposes. Prior to insertion of Section 23C in exercise of powers conferred by Section 15 of the MMDR Act, Governor of Bihar was pleased to make 1972 Rules. Rule 40 of 1972 Rules provides penalty for unauthorized extraction and removal of minor minerals. Rule 41 provided that no court inferior to that of Magistrate of First Class shall try any offence punishable under these rules and no court shall take cognizance of any offence under these rules, except upon a complaint made in writing by the competent officer or the Deputy Director of Mines or Additional Director of Mines or



Director of Mines or any other officer empowered by the Government. Sub-Rule (1) of Rule 26 provides for rent/royalty and assessment and according to Clause- (b) of sub-rule (1) of Rule 26, royalty shall be charged at the rates specified in Schedule II.

6.10 It appears that in the year 2003, the Governor of Bihar framed the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 (hereinafter called 2003 Rules) and again in the year 2017, the Bihar Minor Minerals Rules 2017 (hereinafter called 2017 Rules) were issued. The Governor of Bihar, in exercise of powers conferred under Section 15 read with Section 23C and 26 of the MMDR Act, made the Rules of 2019 whereunder by virtue of Rule 88, 1972 Rules, 2003 Rules and 2017 Rules have been repealed. But the action taken thereunder have been saved. All proceedings (including proceeding by way of investigation) pending before any officer, authority or court, immediately before the commencement of the Rules of 2019, all such offence be deemed to be proceeding pending before it as per the Rules of 2019 and shall continue to be dealt with accordingly.

6.11 For purpose of the present batch of writ applications, Rule 56, 61, 64 and 65 of Rules of 2019 have



fallen for consideration. According to Rule 56 of the Rules 2019, no person shall extract or remove or undertake any mining operation in any area without holding any mineral concession, permit or any other permission granted or permitted under these rules or shall transport or store or cause to be transported or stored any mineral without a valid challan or license. Sub-rule 2 of Rule 56 prescribes that whoever contravenes sub-rule (1) shall be punished with an imprisonment for a term, which may extend to two years or with a fine which may extend to five lakh rupees, or with both. Rule 61 makes the offence cognizable upon written complaint. According to this provision, no Court inferior to that of a Magistrate of the First Class shall try any offence punishable under these rules and no Court shall take cognizance of any offence under these rules except upon a complaint made in writing by a competent officer or Deputy Director of Mines or Additional Director of Mines or Director of Mines or any other officer empowered by the Government.

Sub-rule(7) of Rule 56 provides the procedure for confiscation and auction of property seized. Clause (v) of sub-rule (7) of Rule 56 says that the order of confiscation under Rule shall not prevent imposition of any other punishment to which



the person affected thereby is liable under these rules or any other law. (emphasis supplied).

6.12 Rule 64 of the 2019 Rules provides that in terms of power made under sub-section (30B) of the MMDR Act 1957, the State Government may, if necessary in public interest, for the purposes of trial of all or any of the offences under this rule, either appoint or designate in every district of the State, special court(s) in consultation with the Chief Justice of the High Court. Rule 65 confers power to transfer cases to regular courts. According to this provision, where after taking cognizance of any offence under these rules, a special court is of the opinion that offence is not triable by it, shall notwithstanding that it has no jurisdiction to try such offence transfer case for trial of such offence, any Court having jurisdiction under the Code of Criminal Procedure, 1973 and the court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

7. Now, we would like to refer the relevant provisions of the Indian Penal Code, i.e., Sections 378, 379, 410, 411, 415, which provides as under:

“378. Theft.—Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that



property in order to such taking, is said to commit theft.

Explanation 1.—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which effects the severance may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.”

379. Punishment for theft.— Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

410. Stolen property.—Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which 2 *** 3 ***criminal breach of trust has been committed, is designated as “stolen property”, 4 [whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without 5 [India]]. But, if such property subsequently comes into the possession of a person



legally entitled to the possession thereof, it then ceases to be stolen property.

411. Dishonestly receiving stolen property.—

Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

415. Cheating.—

Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”.

Explanation.—A dishonest concealment of facts is a deception within the meaning of this section.”

8. Now, we would like to refer the decision rendered by the Hon’ble Supreme Court in the case of **Sanjay (supra)**. The Hon’ble Supreme Court in the said case has observed in paragraph 69 to 72 as under:

“**69.** Considering the principles of interpretation and the wordings used in Section 22, in our considered opinion, the provision is not a complete and absolute bar for taking action by the police for illegal and dishonestly committing theft of minerals including sand from the riverbed. The Court shall take judicial notice of the fact that over the years rivers in India have been affected by the alarming rate of unrestricted sand mining which is



damaging the ecosystem of the rivers and safety of bridges. It also weakens riverbeds, fish breeding and destroys the natural habitat of many organisms. If these illegal activities are not stopped by the State and the police authorities of the State, it will cause serious repercussions as mentioned hereinabove. It will not only change the river hydrology but also will deplete the groundwater levels.

70. There cannot be any dispute with regard to restrictions imposed under the MMDR Act and remedy provided therein. In any case, where there is a mining activity by any person in contravention of the provisions of Section 4 and other sections of the Act, the officer empowered and authorised under the Act shall exercise all the powers including making a complaint before the Jurisdictional Magistrate. It is also not in dispute that the Magistrate shall in such cases take cognizance on the basis of the complaint filed before it by a duly authorised officer. In case of breach and violation of Section 4 and other provisions of the Act, the police officer cannot insist the Magistrate for taking cognizance under the Act on the basis of the record submitted by the police alleging contravention of the said Act. In other words, the prohibition contained in Section 22 of the Act against prosecution of a person except on a complaint made by the officer is attracted only when such person is sought to be prosecuted for contravention of Section 4 of the Act and not for any act or omission which constitutes an offence under the Penal Code.

71. However, there may be a situation where a person without any lease or licence or any authority enters into river and extracts sand, gravel and other minerals and remove or transport those minerals in a clandestine manner with an intent to remove dishonestly those minerals from the possession of the State, is liable to be punished for committing such offence under Sections 378 and 379 of the



Penal Code.

72. From a close reading of the provisions of the MMDR Act and the offence defined under Section 378 IPC, it is manifest that the ingredients constituting the offence are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravel and other minerals from the river, which is the property of the State, out of the State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for committing theft of sand and minerals in the manner mentioned above by exercising power under the Code of Criminal Procedure and submit a report before the Magistrate for taking cognizance against such persons. In other words, in a case where there is a theft of sand and gravel from the government land, the police can register a case, investigate the same and submit a final report under Section 173 CrPC before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in Section 190(1)(d) of the Code of Criminal Procedure.”

9. Thereafter the learned Single Judge of this Court passed an order on 5th October, 2018 in the case of **Broad Son Commodities Pvt. Ltd. (supra)**. In the said case, the learned Single Judge has recorded facts in paragraph 2 and 3 of the said decision. The learned Single Judge passed a common order in two separate writ petitions and in both the cases the FIRs came



to be filed under Sections 379, 406, 420, 34 IPC. In the said cases, it is alleged that during inspection of the Sand Ghats, it was found that just beside demarcated area, illegal excavation/mining of sand had taken place. It was also alleged that for this area no approved mining plan was there in favour of the settlees and the mining activities were taking place without consent of the competent authority. In another petition, it was alleged that for storage of sands the petitioner's company has been granted 32 Stockist licenses and for purpose of transportation of sand by the Stockist Licenses the same is required to be done through the departmental pre-paid transportation challan. It was also alleged that without the said pre-paid challan, transportation of the sand is illegal. FIR was, therefore, filed.

9.1 The learned Single Judge in the said case after considering the provisions of the MMDR Act and the Rules framed thereunder and also after considering the decisions rendered in **Sanjay (supra)** observed in paragraph 20 to 22 and 26 as under:

“20. A perusal of the allegations made in the FIR and the fact that in course of investigation police has found the allegations true and submitted a charge-sheet would further lead this Court to take a view that in the facts of the present case it cannot be said that no prima facie case



is made out against the petitioner. There are allegations of mining of sand which is a minor mineral in an area which is not covered under the work order. It means the allegation of illegal mining is in respect of the areas in respect of which there is no approved mining plan. This is the violation of the Rules of 1972 and, therefore, this Court agrees with the submissions of the learned counsel representing the Department of Mines that the case of the petitioner would be covered under Rule 40(8) of the Rules of 1972.

21. The submission of the learned senior counsel that the court could have taken cognizance only on the basis of a complaint in writing in terms of Section 22 of the MMDR Act, 1957 would also not appeal to this Court because the Court is well strengthened in its view from the judgment of the Hon'ble Apex Court in the case of *State (NCT of Delhi)* (para 30 and 31) (supra) that the mining of sand from the areas in respect of which no work order has been issued by the Department of Mines is likely to attract the definition of theft under Section 378 of the Penal Code, 1860. This is, however, a prima facie view of this Court and such observations are not to be considered by the learned trial court as any opinion of this Court. Paragraphs 30 and 31 of the judgment of the Hon'ble Apex Court in the case of *State (NCT of Delhi)* (supra) read as under:—

“31. A perusal of the aforementioned provisions would show that a police officer of his own authority has the duty to prevent any injury attempted to be committed to any public property or national assets and to prosecute such person in accordance with law.

32. The policy and object of the Mines and Minerals Act and Rules have a long history and are the result of an increasing awareness of the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature. The Court cannot lose sight of



the fact that adverse and destructive environmental impact of sand mining has been discussed in the UNEP Global Environmental Alert Service Report. As per the contents of the Report, lack of proper scientific methodology for river sand mining has led to indiscriminate sand mining, while weak governance and corruption have led to widespread illegal mining. While referring to the proposition in India, it was stated that sand trading is a lucrative business, and there is evidence of illegal trading such as the case of the influential mafias in our country.”

22. In the aforementioned facts and circumstances as also the judicial pronouncements present on the subject, this Court is of the considered opinion that in the present case it cannot be said that the registration of the FIR under the various provisions of the IPC and subsequent investigation and cognizance by the learned ACJM is illegal or bad in law. This Court does not find any reason to interfere with the order taking cognizance in the present case.

26. In Cr.W.J.C. No. 10 of 2018, the petitioner is seeking quashing of the FIR. However, a perusal of the allegations mentioned in the FIR shows that those are liable to be investigated and at this stage this Court sitting in its writ jurisdiction would not be justified in weighing the materials which have been brought by the petitioner by way of Annexures to the writ applications and the rejoinder. The investigation in the case cannot be interfered with in the facts and circumstances of the case stated hereinabove.”

10. Thus, in the aforesaid decision, the learned Single Judge has, after relying upon the decision in the case of **Sanjay (supra)**, observed that in the said case, the allegations of mining sand which is minor mineral in an area which is not



covered in the work order and also the allegation of illegal mining in respect of areas of which there is no approved mining plan. Hence it was held that in the facts of the present case, registration of FIR under the provisions of IPC and investigation carried out by the police and thereafter taking cognizance by the concerned court cannot be said to be illegal.

11. At this stage, it is also pertinent to note that thereafter another learned Single Judge, in the case of **M/s Aditya Multicom Pvt. Ltd. (supra)** passed an order on 18.02.2019. The learned Single Judge after considering the provisions of Cr.P.C. and MMDR Act has held that the investigation commenced pursuant to institution of FIR which culminated into filing of police report pursuant to which court has taken cognizance of offence and institution of the FIR, investigation conducted by the police and the cognizance taken by the Court are all contrary to the provisions prescribed under the MMDR Act and the Rules framed thereunder.

11.1 At this stage, it is pertinent to note that the decision rendered by the Hon'ble Supreme Court in the case of **Sanjay (supra)** and in the case of **Borad Son Commodities Pvt. Ltd. (supra)** were not cited before the learned Single Judge.



12. Thereafter the same learned Single Judge in another case, i.e., **M/s Mahadev Enclave Pvt. Ltd. (supra)** after considering the various provisions of the MMDR Act and the Rules framed thereunder and after considering the provisions of Cr.P.C. and IPC once again taken the similar view.

13. Thereafter the same learned Single Judge on 26.08.2019 passed an order in the case of **Mithilesh Kumar Singh (supra)** and observed that “it has rightly been contended on behalf of the petitioner that excess mining unlike illegal mining is a civil wrong. It is not an illegal mining.” It has further been observed that “even if the allegations made in the FIR are accepted to be true, the police could not register an FIR in respect of the offence punishable under the MMDR Act or the Rules made thereunder. Thereafter the learned Single Judge has referred the decision rendered in the case of **Sanjay (supra)** by the Hon’ble Supreme Court and thereafter held that in the case of **Sanjay (supra)**, it was held by Hon’ble Supreme Court that in case of person without any lease or licence or any authority extracts minerals in a clandestine mining with an intent to remove dishonestly from the possession of the State, the ingredients of the offence punishable under Section 379 IPC would be attracted. The learned Single Judge further observed



that in the facts of the said case, if the person having valid licence or lease or authority excavates minerals in excess of the quantity for which permission is granted, it cannot be said that the ingredients of the offence punishable under Section 379 IPC is attracted. Similarly, the learned Single Judge has also observed that since the petitioner is a valid licensee, it cannot be said that there was intention to cheat right from the beginning. In absence of *mens rea*, the ingredients of the offences punishable under Sections 406 and 420 IPC would also not be attracted.

13.1 Thus, the learned Single Judge in the said case, though referred decision rendered in the case of **Sanjay (supra)**, the decision rendered by the Co-ordinate Bench of another learned Single Judge in the case of **Broad Son Commodities Pvt. Ltd. (supra)** was not considered. It is revealed from the aforesaid decision that the learned Single Judge tried to distinguish the facts and thereby observed that the decision rendered in the case of **Sanjay (supra)** would not be applicable in the facts of the said case.

13.2 Thereafter the Hon'ble Supreme Court has rendered a decision in the case of **Jayant (supra)** wherein the Hon'ble Supreme Court has recorded the facts in paragraph 3.1



to 3.4. The Hon'ble Supreme Court thereafter observed in paragraph 9, 10, 17.2, 17.3, 18, 21, 21.1 to 21.5 as under:

“9. However, it is required to be noted that in *Sanjay [State (NCT of Delhi) v. Sanjay]*, (2014) 9 SCC 772 : (2014) 5 SCC (Cri) 437] , this Court had no occasion and/or had not considered when and at what stage the bar under Section 22 of the MMDR Act would be attracted. The further question which is required to be considered is, when and at what stage the Magistrate can be said to have taken cognizance attracting the bar under Section 22 of the MMDR Act?

10. While considering the aforesaid issue, Section 22 of the MMDR Act is required to be referred to, which is as under:

“22. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Act or any Rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government.”

Reading the aforesaid provision would show that cognizance of any offence punishable under the MMDR Act or the Rules made thereunder shall be taken only upon a written complaint made by a person authorised in this behalf by the Central Government or the State Government. Therefore, on a fair reading of Section 22 of the MMDR Act, the bar would be attracted when the Magistrate takes cognizance.”

17.2. However, the bar contained in sub-section (2) of Section 23-A shall not be applicable for the offences under IPC, such as, Sections 379 and 414 IPC. In the present case, as observed and held hereinabove, the offences under the MMDR Act or any Rules made



thereunder and the offences under IPC are different and distinct offences.

17.3. Therefore, as in the present case, the Mining Inspectors prepared the cases under Rule 53 of the 1996 Rules and submitted them before the Mining Officers with the proposals of compounding the same for the amount calculated according to the Rules concerned and the Collector approved the said proposal and thereafter the private appellant violators accepted the decision and deposited the amount of penalty determined by the Collector for compounding the cases in view of sub-section (2) of Section 23-A of the MMDR Act and the 1996 Rules and even the 2006 Rules are framed in exercise of the powers under Section 15 of the MMDR Act, criminal complaints/proceedings for the offences under Sections 4/21 of the MMDR Act are not permissible and are not required to be proceeded further in view of the bar contained in sub-section (2) of Section 23-A of the MMDR Act. At the same time, as observed hereinabove, the criminal complaints/proceedings for the offences under IPC — Sections 379/414 IPC which are held to be distinct and different can be proceeded further, subject to the observations made hereinabove.

18. However, our above conclusions are considering the provisions of Section 23-A of the MMDR Act, as it stands today. It might be true that by permitting the violators to compound the offences under the MMDR Act or the Rules made thereunder, the State may get the revenue and the same shall be on the principle of person who causes the damage shall have to compensate the damage and shall have to pay the penalty like the principle of polluters to pay in case of damage to the environment. However, in view of the large-scale damages being caused to the nature and as observed and held by this Court in



Sanjay [*State (NCT of Delhi) v. Sanjay*, (2014) 9 SCC 772 : (2014) 5 SCC (Cri) 437] , the policy and object of the MMDR Act and the Rules are the result of an increasing awareness of the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature and considering the observations made by this Court in the aforesaid decision, reproduced hereinabove, and when the violations like this are increasing and the serious damage is caused to the nature and the earth and it also affects the groundwater levels, etc. and it causes severe damage as observed by this Court in *Sanjay* [*State (NCT of Delhi) v. Sanjay*, (2014) 9 SCC 772 : (2014) 5 SCC (Cri) 437] , reproduced hereinabove, we are of the opinion that the violators cannot be permitted to go scot-free on payment of penalty only. There must be some stringent provisions which may have deterrent effect so that the violators may think twice before committing such offences and before causing damage to the earth and the nature.

21. After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the MMDR Act and the Rules made thereunder vis-à-vis the Code of Criminal Procedure and the Penal Code, and the law laid down by this Court in the cases referred to hereinabove and for the reasons stated hereinabove, our conclusions are as under:

21.1. That the learned Magistrate can in exercise of powers under Section 156(3) of the Code order/direct the In-charge/SHO of the police station concerned to lodge/register crime case/FIR even for the offences under the MMDR Act and the Rules made thereunder and at this stage the bar under Section 22 of the MMDR Act shall not be attracted.

21.2. The bar under Section 22 of the MMDR Act shall be attracted only when the learned Magistrate



takes cognizance of the offences under the MMDR Act and the Rules made thereunder and orders issuance of process/summons for the offences under the MMDR Act and the Rules made thereunder.

21.3. For commission of the offence under IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act and the Rules made thereunder.

21.4. That in respect of violation of various provisions of the MMDR Act and the Rules made thereunder, when a Magistrate passes an order under Section 156(3) of the Code and directs the In-charge/SHO of the police station concerned to register/lodge the crime case/FIR in respect of the violation of various provisions of the Act and the Rules made thereunder and thereafter after investigation the In-charge of the police station/investigating officer concerned submits a report, the same can be sent to the Magistrate concerned as well as to the authorised officer concerned as mentioned in Section 22 of the MMDR Act and thereafter the authorised officer concerned may file the complaint before the learned Magistrate along with the report submitted by the investigating officer concerned and thereafter it will be open for the learned Magistrate to take cognizance after following due procedure, issue process/summons in respect of the violations of the various provisions of the MMDR Act and the Rules made thereunder and at that stage it can be said that cognizance has been taken by the learned Magistrate.

21.5. In a case where the violator is permitted to compound the offences on payment of penalty as per sub-



section (1) of Section 23-A, considering sub-section (2) of Section 23-A of the MMDR Act, there shall not be any proceedings or further proceedings against the offender in respect of the offences punishable under the MMDR Act or any Rules made thereunder so compounded. However, the bar under sub-section (2) of Section 23-A shall not affect any proceedings for the offences under IPC, such as, Sections 379 and 414 IPC and the same shall be proceeded with further.”

14. Thereafter another learned Single Judge of this Court has passed an order on 07.04.2022 in Cr.W.J.C. No.1233 of 2021 in the case of **M/s Aditya Multicom Private Limited (supra)** In the said case, the learned Single Judge has observed that it is not in dispute that the petitioner was a valid licensee and the allegation against the petitioner is not of having removed the stock without issuing challan and, therefore, the learned Single Judge has placed reliance upon the decision rendered in the case of **Mithilesh Kumar Singh (supra)** and held that no FIR could have been instituted in view of Rule 61 of the Rules of 2019.

14.1 In the said case also, the decision rendered by this Court in the case of **Broad Son Commodities Pvt. Ltd. (supra)** was not cited and, therefore, the same was not referred while passing the aforesaid order.

15. At this stage, we would like to observe that the



Hon'ble Supreme Court has rendered a decision in the case of **Kanwar Pal Singh v. State of Uttar Pradesh And Anr.**, reported in **(2020) 14 SCC 331**. In the said case, the appellant was a Director of M/s Kanwar Enterprises Pvt. Ltd. which was granted rights to excavate sand from a particular area of a village. However, it was alleged that the appellant was mining sand outside the permitted area where he had illegally excavated a pit 50 ft long, 50 ft wide and 3 m deep. Consequently, the District Magistrate had ordered for immediate registration of FIR under Section 379 IPC and various provisions of MMDR Act and the Rules framed thereunder. The Hon'ble Supreme Court has considered the provisions contained in Cr.P.C., MMDR Act and the Rules framed thereunder and also referred the decision rendered in the case of **Sanjay (supra)** and thereafter held in paragraph 15 and 16 as under:

“**15.** We would again advert to the decision in *Sanjay [State (NCT of Delhi) v. Sanjay, (2014) 9 SCC 772 : (2014) 5 SCC (Cri) 437]*, which had overruled the decision of the Calcutta High Court in *Seema Sarkar v. State [Seema Sarkar v. State, 1994 SCC OnLine Cal 277 : (1995) 1 Cal LT 95]* wherein the High Court held the proceedings to be invalid and illegal as the Magistrate had taken cognizance on the basis of a charge-sheet submitted by the police under Section 21(2) of the MMDR Act, 1957 and Section 379 IPC, observing that the cognizance was one that cannot be split or divided. The High Court had further observed that



as the complaint was not made in terms of Section 22 of the MMDR Act, 1957, the cognizance was bad and contrary to law. We have already noted the decision of the Delhi High Court which had directed that FIR should not be treated as registered under Section 379 IPC but only under Section 21 of the MMDR Act, 1957. These decisions of the Calcutta High Court and the Delhi High Court were reversed and set aside by this Court in *Sanjay [State (NCT of Delhi) v. Sanjay]*, (2014) 9 SCC 772 : (2014) 5 SCC (Cri) 437] after referring to Section 26 of the General Clauses Act and the meaning of the expression “same offence”, to observe that the offence under Section 21 read with Section 4 of the MMDR Act, 1957 and Section 379 IPC are different and distinct. The aforesaid reasoning compels us to reject the contention of the appellant that the action as impugned in the FIR is a mere violation of Section 4 which is an offence cognizable only under Section 21 of the MMDR Act, 1957 and not under any other law. There is no bar on the court from taking cognizance of the offence under Section 379 IPC. We would also observe that the violation of Section 4 being a cognizable offence, the police could have always investigated the same, there being no bar under the MMDR Act, 1957, unlike Section 13(3)(iv) of the TOHO Act.

16. In view of the aforesaid discussion, we would uphold the order of the High Court refusing to set aside the prosecution and cognizance of the offence taken by the learned Magistrate under Section 379 IPC and Sections 3 and 4 of the Prevention of Damage to Public Property Act. We would, however, clarify that prosecution and cognizance under Section 21 read with Section 4 of the MMDR Act, 1957 will not be valid and justified in the absence of the authorisation. Further, our observations in deciding and answering the legal issue before us should not be treated as findings on the factual allegations made in the



complaint. The trial court would independently apply its mind to the factual allegations and decide the charge in accordance with law. In light of the aforesaid observations, the appeal is partly allowed, as we have upheld the prosecution and cognizance of the offence under Section 379 IPC and Sections 3 and 4 of the Prevention of Damage to Public Property Act. There would be no order as to costs.”

15.1 From the aforesaid decision rendered by the Hon’ble Supreme Court, it can be said that the Hon’ble Supreme Court has upheld the order of the High Court refusing to set aside the prosecution and cognizance of the offence taken by the learned Magistrate under Section 379 IPC and Sections 3 and 7 of Prevention of Damage to Public Property Act.

16. At this stage, we would like to refer the decision rendered by learned Single Judge of Gujrat High Court in the case of **Patel Dharmendrakumar Madhavlal v. State of Gujrat**, reported in **2014 SCC OnLine Guj 13687**. In the said case, the FIR was registered under Section 23(1) of the Securities Contracts (Regulation) Act, 1956 and Section 15H(A) of the Securities and Exchange Board of India Act, 1992. After conclusion of the investigation, charge-sheet was filed and the case was pending before the concerned Sessions Court. The learned Single Judge referred Section 26 of the Securities Contracts (Regulation) Act, 1956 which is with regard to



cognizance of offences by courts. Section 26 of the Securities Contracts (Regulation) Act, 1956 reads as under:

“26. Cognizance of offences by courts.--(1)

No court shall take cognizance of any offence punishable under this Act or any rules or regulations or bye-laws made thereunder, save on a complaint made by the Central Government or State Government or the Securities and Exchange Board of India or a recognized stock exchange or by any person.

(2) No court inferior to that of a Court of Session shall try any offence punishable under this Act.”

16.1 The learned Single Judge of the Gujrat High Court considered the aforesaid provision and thereafter observed that since Section 23 of the said Act is a cognizable offence, the police would definitely have the power to investigate. Thereafter charge-sheet can be filed. However, the Sessions Court will not be able to take cognizance on the police report in view of specific bar contained in Section 26 of the said Act. It has further been observed that the investigation carried out by the police can be used for the purpose of filing a complaint in writing before the appropriate court. Thus, whatever material has been collected by the Investigating Officer could be used by the authority for the purpose of filing complaint before the competent court.

17. We have gone through the aforesaid provisions of law and the decisions rendered by the Hon’ble Supreme Court



as well as by this Court. It would emerge that the Hon'ble Supreme Court has rendered decision in the case of **Sanjay (supra)** in the year 2014. The Hon'ble Supreme Court has held that Section 22 of the MMDR Act is not a complete and absolute bar for taking action for illegal and dishonestly committing theft of minerals including sand from the riverbed. It was further held that where there is a mining activity by any person in contravention of the provisions of Section 4 and other sections of the Act, the officer empowered and authorized under the Act shall exercise all the powers including making a complaint before the jurisdictional Magistrate and the Magistrate shall take cognizance on the basis of the said complaint. However, where a person without any lease or licence or any authority enters into river and extracts sand, gravel and other minerals and remove or transport those minerals in clandestine manner with an intent to remove dishonestly those minerals from the possession of the State, is liable to be punished for committing such offence under Sections 378 and 379 IPC. It was further held that the ingredients constituting the offence under Section 378 IPC and provisions of MMDR Act are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravel



and other minerals from the river, which is the property of the State, out of State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for committing theft of sand and minerals. In other words, in a case where there is a theft of sand and gravel from the government land, the police can register a case, investigate the same and submit a final report under Section 173 Cr.P.C. before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in Section 190(1)(d) of Cr.P.C.

18. Thereafter in the case of **Jayant (supra)**, the Hon'ble Supreme Court after considering the earlier decision rendered in the case of **Sanjay (supra)** has observed that in the case of **Sanjay (supra)**, the Supreme Court had no occasion and/or had not considered that at what stage the bar under Section 22 of the MMDR Act would be attracted and at what stage the Magistrate can be said to have taken cognizance attracting bar under Section 22 of MMDR Act. Thereafter the Supreme Court after considering various provisions of the MMDR Act and the Cr.P.C. has drawn conclusions in paragraph 21 of the said decision.



19. In the case of **Kanwar Pal Singh (supra)**, the concerned appellant challenged the order passed by the High Court whereby the High Court had dismissed the petition filed under Section 482 Cr.P.C. The said petition was filed for quashing of the FIR instituted under Section 379 IPC and the Rules under MMDR Act as well as Prevention of Damage to Public Property Act. In the said case, as observed hereinabove, the concerned appellant was granted right to excavate sand of a particular area however, during inspection, it was found that the said appellant was mining sand outside the permitted area and, therefore, the aforesaid FIR was lodged. The Hon'ble Supreme Court has dismissed the said SLP and upheld the order of the High Court refusing to set aside the prosecution and cognizance of the offence taken by the learned Magistrate under Section 379 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act.

20. It would further reveal from the provisions contained in Section 21(6) of the MMDR Act that the offence under sub-section (1) of Section 21 shall be cognizable. It would further reveal that as per Section 4 of the Code of Criminal Procedure, 1973, all offences under IPC shall be investigated, inquired into and tried and otherwise dealt with according to the provisions of the said Code. Further, as per Section 4 of Cr.P.C.,



all offences under any other law shall be investigated, inquired into and tried and otherwise dealt with in accordance with the same provisions subject to any enactment for the time being enforced regulating the manner of place of investigation inquiring into, trying or otherwise dealing with such offences.

20.1 Further, as per Part II of Schedule I of Cr.P.C., if the offence is punishable with imprisonment for three years and upwards but not more than seven years, is a cognizable offence.

20.2 Thus, in view of the provisions contained in Section 21(6) of the MMDR Act, 1957, offences referred in Section 21(1) are cognizable offences.

21. Thus, in light of the provisions of MMDR Act and the Rules framed thereunder vis a vis the Code of Criminal Procedure and the Indian Penal Code and the law laid down by the Hon'ble Supreme Court as well as this Court and in view of the discussions made hereinabove, our conclusions are as under:

(i) Where a person without any lease or licence or any authority enters into river and extracts sand, gravel and other minerals and remove or transport those minerals with an intent to remove dishonestly those minerals from the possession of the State, he is liable to be punished for committing such offence



under Sections 378 and 379 of the Indian Penal Code. Hence, in such cases, FIR can be lodged for violation of the provisions of MMDR Act and the Rules framed thereunder as well as under Sections 378 and 379 of the Indian Penal Code. It is open for the police authority to investigate the same and thereafter file the report before the concerned Magistrate Court and on the basis of the said report, the concerned Magistrate can take cognizance. Hence, bar under Section 22 of MMDR Act would not be applicable.

(ii) Where a licence, lease or permit has been issued by the authority in favour of a person under the provisions of MMDR Act and the Rules framed thereunder for excavation of sand, gravel and other minerals and thereafter if it is found that the said person has excavated the sand from the area which is not covered under the lease, licence or permit or mining plan then also FIR under Sections 378 and 379 of the Indian Penal Code can be lodged alongwith the provisions of MMDR Act and the Rules framed thereunder. In such case also, it is open for the police authority to investigate and thereafter file report before the Magistrate Court. Further, on the basis of the same, it is open for the Magistrate to take cognizance. Hence, bar under Section 22 of MMDR Act would not be attracted.



(iii) Where the allegation is that for the storage of sand for the company for the purpose of transportation of sand by the stockist/licensee, the same is required to be done through departmental pre-paid transport challan. However, if without pre-paid challan, transportation of sand/mineral is done, the same can be said to be illegal. Further, because of the said activity, if unlawful loss is caused to the State and if it is found that unlawful gain is made by the licensee in a given facts, the ingredients of Sections 406 and 420 of the Indian Penal Code are also attracted and, therefore, FIR can be lodged under the aforesaid provision and also for violation of provisions of MMDR Act and the Rules framed thereunder. In such a case also, it is open for the police to investigate and thereafter file a report before the Magistrate. Further, bar under Section 22 of the MMDR Act would not be attracted.

(iv) The bar under Section 22 of the MMDR Act shall be attracted only when the learned Magistrate takes cognizance of the offences under the MMDR Act and the Rules made thereunder and orders issuance of process/summons for the offences under the MMDR Act and the Rules made thereunder.

Thus, even in respect of violation of various provisions of MMDR Act and the Rules made thereunder, FIR



can be lodged and it is open for the police authority to investigate and thereafter submit a report which can be sent to the Magistrate concerned as well as to the authorized officer concerned and thereafter the authorized officer concerned may file a complaint before the Magistrate alongwith the report submitted by the Investigating Officer concerned. Thus, on the basis of the complaint filed by the concerned officer, Magistrate can take cognizance and issue process/summons in respect of violation of various provisions of the MMDR Act and the Rules made thereunder and at that stage, it can be said that cognizance has been taken by the learned Magistrate.

Thus, it can be said that for violation of provisions of MMDR Act and the Rules framed thereunder, if the FIR is filed and the case is investigated by the police agency and thereafter the police agency files report, on the basis of the said report, court cannot take cognizance and the bar under Section 22 of the MMDR Act would be attracted.

22. At this stage, we would like to examine the issue whether the decision rendered by the learned Single Judge of this Court in the case of **Mithilesh Kumar Singh (supra)** and **M/s Aditya Multicom Private Limited (supra)** can be said to be *per incurium* or not?



22.1 In the case of **Broad Son Commodities Pvt. Ltd. (supra)**, as observed hereinabove, the FIR was lodged for violation of provisions of MMDR Act as well as under Sections 420, 406, 379 and 34 of the Indian Penal Code. In the said case, during the course of inspection of the Sand Ghats, it was found that just beside the demarcated area, illegal mining has been done in which sands have been extracted by going up to six meters in depth. It was also alleged that for this area no mining plan was there in favour of the settlees and the mining activities were taking place without consent of the competent authority. In the said case, the investigating agency after investigation filed the charge-sheet before the concerned court and the concerned court also has framed the charges against the charge-sheeted accused. The learned Single Judge in paragraph-20 of the said decision observed that there are allegations of mining of sand which is a minor mineral in an area which is not covered under the work order. It means the allegation of illegal mining is in respect of the areas in respect of which there is no approved mining plan. Thereafter the learned Single Judge considered Section 22 of the MMDR Act and the decision rendered in the case of **Sanjay (supra)** and held in paragraph-22 that in the facts and circumstances of the case, it cannot be said that the registration of the FIR under the various provisions of the IPC and



subsequent investigation and cognizance by the learned ACJM is illegal or bad in law.

22.2 This decision rendered by the learned Single Judge was not cited before the another learned Single Judge in the case of **Mithilesh Kumar Singh (supra)** as well as in the case of **M/s Aditya Multicom Private Limited (supra)**.

23. In the case of **Mithilesh Kumar Singh (supra)**, the learned Single Judge of this Court has observed that on the basis of the police report under Section 173(2) of the Code of Criminal Procedure, cognizance cannot be taken by the Magistrate for violation of provisions of MMDR Act and the Rules framed thereunder. Thereafter the learned Single Judge in paragraph-41 and 42 of the said decision observed that Section 173(2) Cr.P.C. mandates that as soon as investigation conducted by the police is completed, the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government. Since a “complaint” does not include “police report”, the filing of “police report” pursuant to completion of the investigation into the FIRs. in question would be exercise in futility. Since institution of FIRs. against the petitioner in the said case is in contravention of statutory



provision, allowing the investigation to be conducted by the police would be nothing but abuse of the process of law.

23.1 We are of the view that the aforesaid decision is impliedly over ruled by the Hon'ble Supreme Court in the case of **Jayant (supra)** as well as **Kanwar Pal Singh (supra)**. Once again it is to be recalled that in paragraph-21.1 to 21.4 of the decision of **Jayant (supra)**, the Hon'ble Supreme Court has specifically held that for violation of the provisions of the MMDR Act and the Rules made thereunder, FIR can be lodged when the Magistrate passes an order under Section 156(3) Cr.P.C. and thereafter the Investigating Officer can investigate the case and submit a report which can be sent to the concerned Magistrate as well as the authorized officer. The authorised officer concerned may file complaint before the learned Magistrate alongwith the report submitted by the Investigating Officer concerned and thereafter it will be open for the concerned Magistrate to take cognizance.

23.2 In the case of **Kanwar Pal Singh (supra)**, the Hon'ble Supreme Court has observed in paragraph-15 that violation of Section 4 being a cognizable offence, the police could have always investigated the same, there being no bar under the MMDR Act, 1957.



24. In the case of **M/s Aditya Multicom Private Limited (supra)**, another learned Single Judge of this Court has not considered the decision rendered by another learned Single Judge in the case of **Broad Son Commodities Pvt. Ltd. (supra)**. The learned Single Judge has, after considering the decision rendered in the case of **Mithilesh Kumar Singh (supra)** has quashed and set aside the FIR which was lodged for violation of the provisions of MMDR Act and the Rules framed thereunder as well as under Sections 379, 411 and 420 of the Indian Penal Code. In the said case, it was observed that it is not in dispute that the petitioner was a valid licensee and the allegation against the petitioner is not of having removed the stock without issuance of challan. Thus, it appears that in the facts of the said case, the learned Single Judge has passed the aforesaid order. However, fact remains that the decision rendered in the case of **Broad Son Commodities Pvt. Ltd. (supra)** was not cited before the said learned Single Judge. As observed hereinabove, the decision rendered by the learned Single Judge in the case of **Mithilesh Kumar Singh (supra)** is impliedly over ruled and even in the said decision, the decision rendered in the case of **Broad Son Commodities Pvt. Ltd. (supra)** has not been considered.

25. Thus, in view of the aforesaid, we are of the view



that the decision rendered in the case of **Mithilesh Kumar Singh (supra)** and **M/s Aditya Multicom Private Limited (supra)** can be said to be *per incurium*.

26. We, accordingly, answer the questions, referred to us, as under:

(i) In the matter of excavation of sand from the river beds from an area beyond or contrary to the mining plan and in violation of the Environment Clearance, FIR alleging commission of offences of theft etc. under the provisions of the Indian Penal Code can be filed against a licensee and bar under Section 22 of the MMDR Act of 1957 read with Rule 56 of the Rules of 2019 would not be attracted.

(ii) For the alleged thieving sale of sand from the stock license point without issuing pre-paid E-Challan and for causing huge revenue loss to the State Exchequer and unlawful gain to the petitioners, FIR can be lodged for the offences punishable under Sections 379, 411, 406 and 420 IPC and it is open for the Investigating Officer to investigate the same.

(iii) The judgments of the learned Single Judge rendered in the case of **Mithilesh Kumar Singh (supra)** and **M/s Aditya Multicom Pvt. Limited vs. The State of Bihar & Ors. (Cr.W.J.C. no. 1233 of 2021)** can be said to be *per*



incurium as the earlier decision rendered in the case of **Broad Son Commodities Pvt. Ltd. (supra)** rendered by another learned Single Judge was not cited and considered.

27. The reference stands answered accordingly. The matter shall now be posted before the learned Single Judge for hearing.

(Vipul M. Pancholi, J.)

(Rudra Prakash Mishra, J.)

Sanjay/-

AFR/NAFR	AFR
CAV DATE	NA
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