



IN THE HIGH COURT OF MADHYA
PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 18th OF MARCH, 2026

MISC. CRIMINAL CASE No. 5771 of 2026

BUDHIMAN SINGH

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Anil Lala - Advocate for the applicant.

Shri Manoj Kushwaha - PL for the respondent-State.
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ORDER

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking quashment of the order dated 29.01.2026 in MJCR No.26/2026 passed by the learned JMFC, Deosar, District Singrauli, whereby the application filed by the applicant under Section 503 of BNSS for interim custody (*supurdginama*) of the Hyva Truck (dumper) bearing Registration No.MP-53-ZC-2556) has been rejected.

2. Briefly stated, on 21.01.2026 at about 4:30 PM, the aforesaid vehicle was intercepted by the police while allegedly transporting sand without a valid permit. Consequently, an offence



was registered under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS) and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957. The applicant preferred an application before the JMFC for releasing the vehicle which has been dismissed.

3. Learned counsel for the applicant submits that the applicant is the registered owner of the vehicle. A valid sand transport permit was issued from 20.01.2026 at 8:30 PM till 21.01.2026 at 2:00 AM, however, during transportation, the tyre of the vehicle burst at midnight, and due to non-availability of replacement and mechanic, the vehicle had to be parked. He argued that, after repair, the vehicle resumed its journey, during which it was intercepted. He submitted that GPS tracking data has been produced to substantiate the claim. It is argued that no offence is made out and the vehicle is deteriorating due to prolonged seizure. The vehicle is under a bank loan, and continued detention would cause financial hardship. He prays to allow the petition.

4. Learned counsel for the respondent opposed the petition and submitted that proceedings are underway under Section 19 of the Madhya Pradesh Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2022, which provides for compounding of the offence. The applicant has an alternative



statutory remedy. He prays for dismissal of petition.

5. Heard the submissions perused the case diary.

6. Upon consideration of the collected material by the prosecution and submissions, this Court finds that the permit relied upon by the applicant was valid only up to 2:00 AM on 21.01.2026. The vehicle was intercepted at 4:30 PM on the same day, indicating a significant time gap. No material has been placed to show that the applicant informed the competent authority about the alleged breakdown or delay during transportation. Further, Section 19 of the 2022 Rules provides a mechanism for compounding the offence upon payment of penalty, which the applicant may avail or contest as per law.

7. In recent times, the menace of illegal sand mining has assumed alarming proportions, and the rise of the so-called “sand mafia” has become a matter of grave public concern. Operating with scant regard for law or human life, such elements frequently indulge in unauthorized transportation of minerals through overloaded and poorly maintained vehicles, often driven in haste to evade enforcement authorities. This reckless conduct not only results in rampant environmental degradation but also poses a serious threat to public safety, as these vehicles are increasingly found to be involved in road accidents causing loss of life and property. The growing



nexus of illegal extraction and hazardous transportation has thus transformed into a systemic danger, undermining both ecological balance and the rule of law, and necessitates a firm and uncompromising judicial approach to curb such unlawful activities.

8. In view of the above, this Court is of the opinion that a *prima facie* case is made out against the applicant. An alternative statutory remedy is available under the relevant Rules. Therefore, no ground is made out for interference with the impugned order.

9. Accordingly, the petition is *dismissed*.

(HIMANSHU JOSHI)
JUDGE