

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.830 of 2026

Arising Out of PS. Case No.-296 Year-2023 Thana- BARHARA District- Bhojpur

Suraj Kumar S/O Sudhir Kumar R/O Village- Ishrauwapur, Mehrauli, P.S-
Doriganj, Distt.- Saran- 841211 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Mines and Geology, Government of Bihar Patna
2. The Principal Secretary, Home Department, Government of Bihar Patna
3. The District Magistrate, Bhojpur Ara
4. The Superintendent of Police, Bhojpur, Ara Bihar
5. The Mineral Development Officer, Bhojpur Ara
6. The District Mining Officer, Bhojpur Ara
7. The Officer-in-Charge, Barhara Police Station, Bhojpur Ara

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Singh, Advocate
For the Dep. Of Mines	:	Mr. Utsav Anand, Advocate
For the State	:	Mr. Deepak Sahay Jamvar, AC to AAG-4

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-08-2026

The present petition has been filed seeking the following reliefs:-

“i. For issuance of writ in the nature of "Mandamus" upon the concerned respondents to release the seized truck of the petitioner bearing registration number BR-01GK-9892 which has been seized on 17.05.2023.

ii. For issuance of writ in the nature of "Mandamus" commanding the respondents not to take coercive steps against the petitioner in pursuance of Barhara P.S. Case no. 296/2023 which was registered



on 17.05.2023 under sections 379, 411 of the I.P.C.

iii. For issuance of an appropriate writ direction or order upon the respondents herein for staying the investigation and further proceedings pursuant to FIR pertaining to Barhara P.S. Case no. 296/2023 which was registered on 17.05.2023 under sections 379, 411 of the I.P.C.

iv. For issuance of writ in the nature of "Mandamus" commanding the respondents not to take coercive steps against the vehicle under consideration and further not to initiate any confiscation proceeding against the said vehicle under consideration. For issuance of an appropriate writ, direction or order upon the respondents herein for staying the confiscation proceedings if any initiated against the vehicle under consideration.

v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law."

3. Learned counsel for the petitioner, at the outset, submits that the Department of Mines, which has seized the vehicle of the petitioner bearing registration no. BR-01GK-9892 in connection with Barhara P.S. Case no. 296/2023 which was registered on 17.05.2023 under sections 379, 411 of the I.P.C., has determined penalty of Rs.2,71,188/- as compounding fees/cost of the sand. The learned counsel further submits that the petitioner is ready and willing to pay the penalty amount in



easy six installments. The learned counsel further submits that after payment of first installment, the vehicle of the petitioner may be released. The learned counsel further submits that once the total penalty amount is paid, the Department of Mines may be directed to compound the offence and withdraw the case filed against the petitioner.

4. Learned counsel appearing on behalf of Department of Mines objects to the petitioner making payment in installments and submits that the petitioner be directed to make payment of the penalty amount in one go. However, learned counsel submits that liberty may be granted to the Department of Mines to re-possess the truck in case the petitioner fails to pay the installments within the time fixed, if the Court allows installments.

5. While dealing with the seized vehicles from time to time by the police either in commission of various offences or abandoned vehicles or vehicles which are recovered during investigation of complaint of thefts, the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujarat, (2002) 10 SCC 283*** observed as under:-

“In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate



orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court.

If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.”

6. Having regard to the submission of the learned counsel for the petitioner as well as learned counsel for the Department of Mines, the respondent no.2/concerned respondent is directed to release the truck of the petitioner bearing Registration No. BR01GK9892 on payment of penalty amount of Rs.2,71,188/- in six equal monthly installments. The Truck in question would be released after payment of first installment of Rs.45,198/- before the authority



concerned/Respondent no. 2, on or before 3rd September, 2026, and rest penalty amount would be paid in five equal monthly installments on or before 3rd of every month. At the same time, the petitioner shall furnish all the necessary papers/documents of ownership and security bond/indemnity bond (not bank guarantee) equal to Insured Declared Value (IDV) of the vehicle in question as on date to the satisfaction of the concerned/competent authority.

7. However, it is made clear that if the petitioner fails to deposit the installments in terms of the present order, the respondents are at liberty to take possession of the truck and proceed in the matter in accordance with law. It is further made clear that when the total amount of Rs.2,71,188/- is paid, the respondent authorities will move for compounding of the case.

8. Accordingly, the present petition stands disposed of with the aforesaid directions/observations.

Anuradha/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	14.08.2026
Transmission Date	14.08.2026

