

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.291 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Vinod Sahni, Son of Ramashrey Sahni, Resident of village - Madhuban, P.S.-
Minapur, District – Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Mines and Geology Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur
3. The Senior Superintendent of Police, Muzaffarpur.
4. The S.H.O. Chakiya P.S., East Champaran, Motihari
5. Mining Development Officer, Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Ajit Kumar, AC to GA-7
For the Mines	:	Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2023 It seems that the petitioner has moved this Court directly for release of the vehicle in question.

2. Learned counsel for the Department of Mines points out that under Rule 56(4) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as the ‘Rules of 2019’), the Collector of the District has been empowered to pass an appropriate order for confiscation, if the owner of the vehicle would fail to pay the prescribed amount of revenue losses and the compounding fee within a period of one month from the date of commission of the offence. Under proviso to Sub-Rule



(4) of Rule 56 of the Rules of 2019, the Collector may pass an order for release of the vehicle.

3. In view of the specific provision contained under Rules of 2019 which has not been availed by the petitioner, this Court is not inclined to entertain this writ application.

4. Learned counsel for the petitioner submits that he would make an appropriate application before the Collector.

5. This Court grants liberty to the petitioner to apply for the same and if such an application is filed, the same will be considered on its own merit and the stand of the Department that if the petitioner pays the revenue loss and compounding fee, the vehicle in question may be ordered to be released.

6. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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