

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1938 of 2023

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1. Rohit Kumar Son of Satyanarayan Ray Resident of Village- Akbarpur, Puranidih, P.O.- Akbarpur, Puranidih, Akbarpur, Barari, P.S.- Shamho, District- Begusarai.
 2. Sanjiv Kumar Son of Satyanarayan Ray Resident of Village- Akbarpur, Puranidih, P.O.- Akbarpur, Puranidih, Akbarpur, Barari, P.S.- Shamho, District- Begusarai.
 3. Bamban Ray Son of Satyanarayan Ray Resident of Village- Akbarpur, Puranidih, P.O.- Akbarpur, Puranidih, Akbarpur, Barari, P.S.- Shamho, District- Begusarai.
 4. Bablu Ray Son of Satyanarayan Ray Resident of Village- Akbarpur, Puranidih, P.O.- Akbarpur, Puranidih, Akbarpur, Barari, P.S.- Shamho, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Collector, Jamui.
5. The Superintendent of Police, Jamui.
6. The Mineral Development Officer, Jamui.
7. The Motor Vehicle Inspector, Jamui.
8. The District Transport Officer, Jamui.
9. The Station House Officer, Giddhaur Police Station, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Vivek Anand Amritesh, Sudhanshi Trivedi, Advocates
For the Mines	:	M/s Naresh Dikshit, Spl.P.P. Mines Kalpana Brij Bihari, Advocates
For the State	:	Mr. Gyan Prakash Ojha (GA 7)

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
Date : 09-05-2023

1. Heard learned counsel for the petitioners, learned



Spl.P.P. Mines and learned counsel for the State of Bihar.

2. The petitioners have filed the instant writ application for the following relief(s):-

“That the instant writ application is being filed for issuance of appropriate writ / writs, order / orders, direction / directions to the concerned respondent authorities for release of trucks of the petitioners sized under the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2021 by Mineral Development Officer, Jamui and SHO, Giddhaur Police Station, Jamui. On 23.11.2022 in an illegal manner inspite of having valid challan for transpiration of yellow sand and for any other relief / reliefs be granted to the petitioner for which the petitioner found entitled in the facts and circumstances of the case.”

3. The case of the petitioners is that they are registered owners of the eight vehicles, the details of which have been given in paragraph no. 4 of the writ application. The petitioners' trucks were used for transportation of sand in the district of Darbhanga. On 23.11.2022 while carrying sand and having valid challans issued by the Bihar State Mines Corporation, the trucks were illegally stopped by the respondent authorities and seized.

4. Learned counsel for the petitioners submits that it further transpires from the seizure list which has been brought



on record as Annexure-2 to the writ application that the trucks were carrying more quantity of sand than was mentioned in the challans. Learned counsel for the petitioners further submits that to the best of his knowledge, no confiscation proceeding has been initiated. The trucks are lying unattended and uncared for even since their seizure. As such the instant application for the prayer made hereinabove.

5. Learned Spl.P.P., Mines appearing for the Mines Department referring to the counter affidavit filed on behalf of respondent nos. 4 and 6 submits that the trucks in question was found overloaded with yellow sand. On being intercepted and asked to produce the e-challans and transit challans, they failed to produce the same. In spite of the issuance of notices, the petitioners neither approached the concerned officials nor they deposited the fine mentioned in the notices.

6. It is further submitted by learned counsel appearing for the Mines Department that as per the oral instructions received, the confiscation proceedings have been initiated with respect to the trucks in question.

7. Having heard learned counsel for the parties and taking into consideration the facts of the case together with the material on record, what the Court notices is that in the counter



affidavit while the stand of the respondent Mines Department is to the effect that the drivers of the trucks in question failed to produce the challans on demand, the contents of the seizure list is otherwise and speaks of the trucks carrying more sand than being permitted, on the basis of their challans.

8. Further it may be mentioned that no useful purpose will be served by keeping the vehicles in question uncared for with the respondent authorities. Thus in view of the facts and circumstances of the case, the respondent authorities are directed to release the vehicles in question on the petitioners furnishing appropriate security as fixed by the Confiscating Officer as also an undertaking that they will produce the vehicles as and when required or directed by the authorities concerned. It is further directed that the Confiscating Officer in fixing the amount of security for release of the vehicle will take into consideration the valuation of the vehicle given in the last insurance policy with respect to the said vehicle. Before release of the vehicles, the ownership of vehicles shall be confirmed on the production of the original documents with respect to registration of the vehicles and a written undertaking by the petitioners that no third party rights will be created for the same.

9. The instant writ application stands disposed of



with the above observations and directions.

(Partha Sarthy, J)

Spd/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2023
Transmission Date	

