

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17413 of 2023

Arising Out of PS. Case No.-553 Year-2022 Thana- LAKHISARAI District- Lakhisarai

MUKESH SHARMA SON OF RAMCHANDRA PRASAD SHARMA R/O
CHANDRABHAN TOLA, WARD NO.6, AUNTA, P.S.- MOKAMA,
DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE MINERAL DEVELOPMENT OFFICER, LAKHISARAI BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Parmanand Pd. Nr. Sahi Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh
For Mines	:	Mr. Naresh Dixit Mr. Brij Bihari Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-04-2023 Heard the parties.

There is no dispute that the stone chips which was carried by the petitioner's vehicle (truck) was under a valid *challan*, but the same had lapsed.

It has been submitted by learned counsel for the petitioner that the challan had lapsed only because of the *Agniveer* agitation and the truck was stopped on the National Highway. There is no *mens rea* involved in the case.

The petitioner's truck is lying in the police station only on the basis of the technical objection that the *challan* had lapsed.



Mr. Naresh Dixit, learned counsel appearing for the Mines Department has submitted that the truck may be released after payment of the fine imposed upon the petitioner.

In the facts of the case, I am inclined to release the truck along with stone chips because of the Agniveer agitation, the truck was delayed and challan had lapsed.

The Court below is directed to release the truck after accepting bonds of the amount of fine forthwith. The Court below will get the truck photographed and, thereafter, the petitioner will be at liberty to ply the truck. In case, the petitioner wants to sell the truck in future, the petitioner will inform the court below about the same and the application filed by the petitioner shall be dealt with by the Court below in accordance with law.

With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

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