

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4728 of 2023

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Md. Frahim Sekh S/o Md. Furkan Ali, At and PO Rajgram PS Murarai, Dist-
Birbhum (WB), PIN 731222

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Principal Secretary,
Department of Mines and Geology, Government of Bihar, Patna. PIN -
800001
2. The Director, Department of Mines and Geology, Government of Bihar,
Patna. PIN - 800001
3. The Mine Inspector, Department of Mines and Geology, Purnea Circle,
District Purnea (Bihar)
4. The Collector-cum-District Magistrate (Mines), District- Kishanganj (Bihar)
5. The Mine Inspector/District Mining Officer, District- Kishanganj (Bihar)
6. The Superintendent of Police, District Kishanganj (Bihar)
7. The SHO/Thana-in-Charge, Kishanganj Thana, District- Kishanganj (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Viveka Nand, Advocate Mr. Pankaj Kumar Sinha, Advocate Mr. Aatish Kumar, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA-7) Ms. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 06-07-2023 Heard the parties.

2. The prayer is for following reliefs:

a) for issuance of a writ/order/direction in the nature
of mandamus to Respondents to release the Public Carrier Truck
(Registration No WB 57 D 4262) along with the secondary
commodity(" crushed stone chips), lying under illegal detention
and custody of the SHO/ Thana-In-Charge, Kishanganj Thana,
District Kishanganj (Bihar).



b) For the issuance of direction as to no coercive action is to be taken either against truck or the commodity in question till disposal of the case.

3. It has been contended by the learned counsel for the petitioner that the stones chips were carried from Alipur Dwar, West Bengal to Maldah, West Bengal and in the process the truck has to enter on the National Highway for sometime in Kishanganj district under the State of Bihar. There the respondent authorities intercepted and despite producing the documents, the truck along with the stones chips were seized. He as such has prayed for the release of the same.

4. Mr. Naresh Dikshit, Special P.P. for the Mines on the other hand submits on the basis of the counter affidavit so filed by the respondent no.4 to 7, upon interception and inspection of the Trucks it was found that e-challan was issued for the transportation of sand/river with materials and not stone chips and further the documents annexed by the petitioner pursuant to the query made which has been incorporated in the writ petition shows that the e-challan relates to a tractor having different registration number.

5. It is his further submission that the confiscation proceeding have already been initiated after the issuance of



letter no.1721 dated 15.02.2023 by the District Mining Office, Kishanganj addressed to the District Magistrate-cum-Collector, Kishanganj (Annexure-A) and as such it would be appropriate for the petitioner to co-operate /participate in the said confiscation proceeding so that the same is taken to its logical conclusion.

6. At this stage, learned counsel for the petitioner submits that he will be pleased if the District Magistrate-cum-Collector, Kishanganj take the confiscation proceeding to its logical conclusion at an earliest considering the fact that the letter addressed by the Mining office dates back to 15.02.2023 and also that the condition of the truck being kept in open is deteriorating day-by-day.

7. Taking into account the submissions put forward by the learned counsel for the petitioner as also the Special P.P., Mines, this Court disposes of the writ petition with a direction to the District Magistrate-cum-Collector, Kishanganj to conclude the confiscation proceeding pending before it relating to the case of the petitioner at an earliest and preferably within a period of six weeks.

8. Needless to say, since the time frame has been fixed, irrespective of the cooperation by either of the parties, the



District Magistrate-cum-Collector, Kishanganj should see to it that the confiscation proceeding is concluded and an order is passed within six weeks.

9. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan /-

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