

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14775 of 2023

1. Suresh Yadav Son of Budhi Ram Yadav, Resident of Village and P.S- Brahampur, District-Buxar.
2. Budul Mishra Son of Kashi Nath Mishra, Resident of Village/Mohalla- Alampur, P.S- Sakrail, District- Howrah, (West Bengal) at present Village and P.O- Umedpur, P.S- Brahampur, District- Buxar
3. Dharmendra Kumar Yadav, son of Shiv Muni Yadav, Resident of Village Barka Dhakaich, P.S- Bhojpur, District- Buxar.
4. Gopal Singh Son of Bhubneshwar Singh @ Amawa Singh, Resident of Village Bhikam Amhat, P.S..... District- Gazipur (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Minerals Department Government of Bihar, Patna.
2. The Mines Commissioner, Bihar, Patna.
3. The Director, Bihar State Mining Corporation Ltd, Patna.
4. The District Magistrate, Buxar.
5. The Superintendent of Police, Buxar.
6. The Mining Development Officer, Buxar.
7. The Mining Inspector, Buxar.
8. The Incharge Cum SHO, Brahampur, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma, Advocate Mr.Ravi Ranjan Kumar, Advocate
For the Respondent/s	:	Mr.Md. Raisul Haque (SC 10) Mr.Binay Kumar, Advocate
For the Mines Deptt.	:	Mr.Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-11-2023 Heard Mr. Rakesh Kumar Sharma along with Mr. Ravi Ranjan, learned counsels appearing on behalf of the petitioners; Mr. Md. Raisul Haque (SC 10) along with Mr. Binay Kumar, learned counsels for the State and Mr. Naresh Dixit, learned counsel for the Mines Department.



2. Petitioners have sought for following relief(s) : -

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to release the truck/lorry of petitioner nos. 1 to 4 bearing registration no.BR44GA 5008, WB11D 1874 of petitioner no.2, Lorry bearing registration no.OD17A 6953 of petitioner and Lorry bearing registration no.UP54AT 0247 in favour of petitioners which were seized in Brahampur P.S.Case No.474/2023 dated 03.08.2023 registered u/s 379, 411 of the IPC, Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and Section 21 of Mines and Minerals (Development and Regulation) Act as neither any incriminating articles were found laden on the truck but still trucks/lorry of petitioners were seized merely on suspicion on the basis of F.I.R. and the lorry/truck are lying uncared in the premises of police station.

Petitioner further seeks any other relief/reliefs for which they are found entitled in the eye of law and in the facts and circumstances of the present case.”

3. Mr. Rakesh Kumar Sharma, learned counsel appearing on behalf of the petitioners submits that the petitioners are ready to deposit the compounding amount in accordance with provisions of Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 (hereinafter to be referred as the ‘Rules, 2019’), as determined by the Mineral Development Officer, Buxar with respect to the trucks of petitioner nos. 1 to 4, in individual capacity, who are owner of the respective trucks, in



the following manner : -

Petitioner no.1 - BR 44GA 5008 - Rs.2,66,563/-
Petitioner no.2 - WB-11D 1874 - Rs.2,54,635/-
Petitioner no.3 - OD17A 6953 - Rs.2,47,925/-
Petitioner no.4 - UP54AT 0247 - Rs.2,58,469/-

4. Mr. Naresh Dixit, learned counsel appearing on behalf of the Mines Department submits that there is provision under Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 for compounding and the above compounding amount has been determined in terms of provisions of Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and if the petitioners are ready to make payment of the amount so determined then the trucks will be released.

5. Mr. Dixit further submits that he has received instruction that no confiscation proceeding has been initiated till date and there is no question of confiscating the trucks to have become state property.

6. Considering the rival submissions made by the respective parties and the value of trucks and the loaded materials are deteriorating day-by-day, as well as, the undertakings given by the petitioners that they are ready to



deposit the amount as determined by the Mineral Development Officer, as above, the trucks bearing registration nos.BR 44GA 5008, WB-11D 1874, OD17A 6953 and UP54AT 0247 are directed to be released forthwith in favour of petitioner nos. 1, 2, 3 and 4 respectively, after accepting the compounding amount of penalty.

7. The writ petition is accordingly allowed.

(Purnendu Singh, J)

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