

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.313 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Vaishali

Rakesh Kumar, S/o Gena Ray Resident of Mohala- Mohiuddinpur Garahi,
P.S. Jandaha, District- Vaishali

... .. Petitioner/s

Versus

1. The state of Bihar through the Principal Secy., Dept. of Mines and Minerals, Govt. of Bihar, Patna Bihar
2. The Director, Mines and Minerals, Govt. of Bihar, Patna Bihar
3. The Collector, Vaishali Bihar
4. The Dy.S.P., Mines and Minerals, Vaishali Bihar
5. The Mining Officer, Bihar, Patna Bihar
6. The Inspector of Mines, Vaishali Bihar
7. The S.H.O. Nagar Thana, Vaishali Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Respondent/s : Mr. K. P. Gupta, GP-10
Mr. Satya Vrat, AC to G.P.-10
For the Mines Department : Mr. Naresh Dikshit (SPP M.)
Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 04-03-2024 1. Petitioner’s commercial vehicle (Haiwa), bearing
Registration No. BR06GB-9710, Chesis No.
MA1QDAHHCG6B49083, Engine No. BAGZA 10227, was
seized by the Inspector of Mines, Vaishali in a joint raid with
police officials on the allegation that the petitioner was
transporting sand through the said vehicle even after the expiry
of the period of e-challan.

2. It is contended on behalf of the writ petitioner that



the writ petitioner was implicated in a false case because he denied to satisfy the raiding party by way of illegal gratification.

3. Indisputably, the petitioner above-mentioned vehicle is used for commercial purpose for transportation of sand. E-challan for transportation of 418 cft. sand was issued in respect of the said vehicle on 28th January, 2024 at 3:20:18 P.M. and the same was valid till 29th of January, 2024 till 3:20:18 P.M. The vehicle was seized on 31st of January, 2024 at about 01.10 P.M. from Anjanpir, near BSNL Golumber, Hajipur, Vaishali.

4. On perusal of the seizure list, it is ascertained that the said vehicle was seized due to expiry of the period mentioned in e-challan.

5. It is submitted by the petitioner in the writ petition and also urged by the learned Advocate for the petitioner that the seized vehicle was originally stationed at Darbhanga. After obtaining e-challan, the Driver of the vehicle was driving the same for Hajipur, but as a result of tremendous jam on the road, the Driver reached Hajipur on 31st of January, 2024, i.e., after the expiry of the e-challan period. In support of his contention, the learned Advocate for the petitioner takes me to the hard copy of GPS system to show the extent of traffic jam enroute



Darbhangha and Hajipur.

6. I have accepted all the submissions made by the learned Advocate for the petitioner on their face value. In spite of acceptance of the submissions made by the learned Advocate for the petitioner, this remains questionable as to why after coming to Hajipur on 31st of January, 2024, he loaded sand in the vehicle in spite of knowledge that e-challan had expired on 29th of January, 2024. Extraction of sand without e-challan allowed the raiding party to seize the vehicle on expiry of the period of e-challan. The raiding party did not commit any error of law. No illegality was committed and in the alternative no legal right of the petitioner was violated by the action of the respondents.

Accordingly, I do not find any merit in the instant writ petition and the same is dismissed.

(Bibek Chaudhuri, J)

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