

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.487 of 2024

Arising Out of PS. Case No.-755 Year-2023 Thana- TEKARI District- Gaya

Rakesh Kumar Son of Satyendra Yadav Resident of Village- Khaira, P.O.-
Siyadih, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the additional Secretary, Mines and Mineral Department Government of Bihar, Patna
2. the District Magistrate, Gaya Bihar
3. The Superintendent of Police, Gaya Bihar
4. The District Mining Officer, Gaya Bihar
5. The Mines Inspector, Gaya Bihar
6. The Station House Officer, Tekari Police Station, Gaya Bihar
7. The Station House Officer, Panchanpur Outpost, Tekari, Gaya Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar
For the Respondent/s	:	Mr. Anil Kumar Singh, G.P.26 Mr. Naresh Dikshit, Ms. Kalpana

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 23-08-2024

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. This petition has been filed by the petitioner for directing the respondents to release the vehicle (Tractor & Tractor bearing Registration No. BR02GC-9135 and Tractor bearing Registration No. BR02GD-2461 of the petitioner, which has been seized by the respondent authorities in connection with Tekari P.S. (Panchanpur O.P.) Case No. 755



of 2023 registered under Sections 379, 411 of the Indian Penal Code and under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 56 of the Bihar Minerals (Concession and Prevention of Illegal Mining, Transport & Storage) Rules, 2019.

3. It is submitted by learned counsel for the petitioner that the petitioner is a registered owner of the said seized vehicle. The vehicle has been seized on the allegation that the vehicle was used for illegal mining and transportation of sand. It is further submitted by learned counsel that the vehicle has been seized only on the basis of suspicion. No alleged illegal transportation of sand was done by the vehicle. However, he submits that after registration of the first information report and after seizure of the vehicle, the petitioner has already paid compensation/penalty through E-Challan for transportation of the alleged mining of sand in the office of the District Mining Office, Gaya on 03.01.2024 in view of the Rule 56 of Bihar Minerals (Concession and Prevention of Illegal Mining, Transport & Storage) Rules, 2019, which provides penalty for unauthorized extraction and removal of minor minerals. He further submits that since compensation/penalty has already been paid by the petitioner even then the vehicle is in custody



since 12.12.2023, which caused irreparable loss to the petitioner.

4. Having considered the above submissions made by the learned counsel for the petitioner as well as considering the fact that the compensation/penalty imposed by the department of mines, the petitioner has already deposited the penalty and the vehicle is lying idle since 12.12.2023, it would be appropriate to release the aforesaid vehicles in favour of the petitioner.

5. Accordingly, this petition is allowed. The respondents are directed to release the aforesaid vehicle on production of ownership of the aforesaid vehicle in favour of the petitioner on submission of personal bond of Rs. 5 lakhs with two sureties of like amount each in connection with Tekari P.S. (Panchanpur O.P.) Case No. 755 of 2023.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2024
Transmission Date	29.08.2024

