

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5666 of 2023

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Satyendra Ray S/o Ramagati Ray, R/o Village- Balwan Tola, Raipur,
Bingawa, P.S.- Doriganj, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Mines and Geology Department, Bihar, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Circle Officer-cum- Mines Supervisor, Sadar Chapra, Saran.
5. The Officer in Charge, Doriganj P.S., District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the State	:	Mr. Gyan Prakash Ojha, G.A.-7
For the Mines	:	Mr. Naresh Dixit, Spl. P.P., Mines
		Mr. Brij Bihari Tiwari, A.C. to Spl. P.P., Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-07-2024 Heard the parties.

2. The present petition has been preferred for the following reliefs:-

To issue an appropriate order/s, direction/s including a writ preferably in nature of Mandamus commanding the respondents to release the vehicle/ Truck bearing Reg. No. UP93At-6768, Chasis NO. MAT448022E5E05421 in favour of the petitioner who is owner of the said Truck seized in Doriganj P.S. Case No. 185/ 2022 registered under sections 379/411 I.P.C. and 21 MMDR Act 1957 and 56 of Bihar Minerals Concession Prevention of illegal Mining Transportation & Storage Rule,



2019 and Amendment Act 2021 and section 15 of the Environment Protection Act, 1986 lying in the premises of Police station and subject to natural decay by furnishing sufficient security to the satisfaction of learned District Magistrate, Saran;

(ii) for issuance of appropriate writ, order/ direction commanding the respondents to release the vehicle of the petitioner during the pendency of the criminal case a reasonable surety till the disposal of the said case.

3. The case of the petitioner is that he is the owner of the truck bearing Registration No. UP93-AT-6768 which along with another truck were intercepted, seized after alleging that it was loaded with yellow sand which also resulted into F.I.R. vide Doriganj P.S. Case No. 185 of 2022 on 28.06.2022.

4. Learned Counsel for the petitioner submits that a case has been instituted, the trial will take place, the seized vehicle is rotting in police campus and the condition is getting deteriorated with the passage of time. The further submission is that in line with the section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (henceforth for short 'the Rules'), he is ready to pay the fine, will not alienate the vehicle and undertake to produce it as and when required/ordered.



5. A counter affidavit has come on behalf of the respondent no. 2, the District Magistrate, Saran at Chapra and learned Counsel for the State has drawn the attention of this Court to paragraph-13 to show that in case the truck is allowed to be released there will be loss of revenue of Rs. 2,95,580/- (Two Lakhs Ninety Five Thousand and Five Hundred Eighty Rupees).

6. Learned Counsel for the petitioner submits that for the present, under protest, he is ready to pay Rs. 2,95,580/- so that his truck is released, he can use it and reiterate that will be produced as and when required and will not alienate.

7. In that background, taking into account the submissions put forward by the parties, keeping the vehicle in open place, getting it deteriorated is ultimately a loss to everyone and in that background, when the petitioner undertakes to produce it as and when required/ordered and further has given undertaking that the same will not be transferred to any one, he is ready to pay Rs. 2,95,580/-, this Court is inclined to pass an order for the release of vehicle once a demand draft in favour of the District Mining Officer, Saran at Chapra is issued and further provides all the original documents relating to the vehicle alongwith payment receipt, the same shall



be released.

8. The petitioner shall be duty bound to produce the truck as and when required/ordered.

9. The respondents will be further duty bound to inform/communicate the District Transport Officer, Deoria, Uttar Pradesh about the lodging of the F.I.R. and the passing of the present order so that the vehicle in question is not transferred till the appropriate authority/Court passes an order.

10. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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