

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6272 of 2024

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S.K. Kadir Son of Shekh Jamshed, resident of Shahanagar, Shahpur, P.O. -
Gauripur, P.S. - Pranpur, District- Katihar, Bihar - 854116.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna.
2. The Mines Development Officer, Bhagalpur.
3. The District Magistrate cum Collector, Bhagalpur.
4. The Inspector, District Mining Office, Bhagalpur.
5. The S.H.O, Ishipur Police Station, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Yogesh, Advocate Mr. Manu Tripurari, Advocate
For the State	:	Mr. Government Advocate (5)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2024 Heard Mr. Manu Tripurari, learned counsel for the

petitioner and Mr. Naresh Dikshit, Special PP Mines.

2. The present petition has been filed for grant of
following reliefs:-

*(i) For Issuance of an order or direction for
quashing the Mines Case arising out of Challan
dated 09/09/2023(Patrank No. 05)issued bythe
Mines Development Officer, Bhagalpur.*

*(ii) For Issuance of an order or direction from
the provisional release of the trucks of the
petitioner's bearing Registration No. BR 39 GB
0916, during the pendency of the present case;*

(iii) For grant of monetary compensation for the



illegal, malafide, and arbitrary actions of the Respondents where under they have forcibly taken custody of the vehicle of the Petitioner in clear violation of the law.

(iv) For grant of any other relief(s) to which the petitioner may be entitled to in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that he owns the vehicle (BR-39-GB-0916) which was seized on 09.09.2023 by the respondent authorities.

4. He submits that though the petitioner wanted quashing of the challan dated 09.09.2023 issued by the Mines Development Officer, Bhagalpur, for the present, it will suffice if during the pendency of the proceeding, the vehicle is provisionally released for which he is ready to pay some security amount.

5. Learned Special PP Mines Mr. Naresh Dikshit submits that though Rule 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, (hence for short 'the Rules') incorporates that as payment of certain amount, the matter can be compounded, in this particular case, the petitioner only want provisional release. In that case, he will have to cooperate in the proceeding and will abide by its outcome.



6. Learned counsel for the petitioner submits that the amount which has been incorporated under the rules, he being out of business due to seizure of the vehicle, is unable to make the payment as such, for the present as he is seeking only provisional release of the vehicle and will be participating in the proceeding diligently. Further, he may be able to pay Rs.1,50,000/-.

7. Learned Special PP Mines submits that he will have to give an undertaking on affidavit before the authority that he will be diligently appearing in the proceeding and will have to produce the vehicle as and when requested.

8. The submissions put forward by the parties are just and proper and this Court appreciates the same. Keeping the vehicle idle and out of business will serve no purpose and it comes in the category of national loss. The petitioner is ready to participate in the proceeding and wants only provisional release of the vehicle and in that background, if he makes payment of Rs.1,50,000/- through Demand Draft issued by the State Bank of India in favour of the appropriate authority of the Department, the authority shall release the same provisionally which will be subject to the final outcome of any proceeding pending before the respondent.



9. Needless to say, the petitioner will be duty bound not to transfer/sale/part with the said vehicle which will also have to produced as and when required by the respondents.

10. An affidavit to this effect has to be attached with that demand draft.

11. The writ petition accordingly stands disposed of with a direction that if the petitioner approaches the respondent authorities along with Demand Draft and affidavit in next four weeks, the authority shall look into it and being satisfied will provisionally release the vehicle and this interim order will merge with the final outcome of the proceeding that has been initiated against the said vehicle.

(Rajiv Roy, J)

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