

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7050 of 2023

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Nirmal Kumar Singh Son of Sri Ramdev Singh Resident of Vilalge-Suba
Bigha Zamuar, Police Station-Dehri on Sone District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
2. Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Superintendent of Police Aurangabad.
6. The Officer In Charge, Barun Police Station, District-Aurangabad.
7. The District Mining Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Pratap, Advocate
For the Respondent/s : Mr. Abhinav Ashok, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-07-2024 Learned counsel for the petitioner prays for and is

allowed to implead the District Mining Officer, Aurangabad as

party/respondent No. 7 in course of the day.

2. Heard Mr. Gaurav Pratap, learned counsel for the
petitioner and Mr. Abhinav Ashok, AC to GA-7.

3. The present writ petition has been preferred for the
grant of following relief/s:-

*“That the instant writ application is
being filed for issuance of writ / writs,
order / orders, direction / directions for
commanding the respondents' authorities to
release the JD loader machine bearing
registration number BR24GB-4420 (at serial*



number 7 of the seizure memo.), which has been seized in connection in connection with Barun P.S. Case No. 366 of 2022 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 04 (1A), 21 of the Mines and minerals (Development and Regulation) Act and Rules 11, 18. 43. 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rules.”

4. As would reflect from the prayer itself, Barun P.S. Case No. 366 of 2022 was registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 04 (1A), 21 of the Mines and minerals (Development and Regulation) Act and Rules 11, 18. 43. 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rules (henceforth for short ‘the Rules’). As per the F.I.R., alongwith the vehicle of the petitioner, numbers of other vehicles were impounded/seized for want of valid documents/challan having found violating the different sections of ‘the Rules’ (Annexure-1 to the petition).

5. Learned counsel for the petitioner submits that a



bare perusal of a seizure list would show that of the nine vehicles which were seized/impounded, none matches his vehicle number: BR24GB-4420/its Engine no: PY3029H118987/Chasis No: PY5060EEJA002753.

6. This Court would like to incorporate the details of the seized vehicle:

“1. 12 चक्का ट्रक चेसिस संख्या MAT466420F1B02383 (पंजीयन संख्या-BR26H/6293) जिसपर लगभग 1200 घनफीट बालू बिना चालान लोड।

2. 12 चक्का ट्रक पंजीयन संख्या-BR02GB/0932 जिसपर लगभग 100 घनफीट बालू बिना चालान लोड।

3. 12 चक्का ट्रक चेसिस संख्या-MAT466404B3E13914 (पंजीयन संख्या अंकित नहीं)।

4. 12 चक्का ट्रक चेसिस संख्या-MAT466420C2G15884 (पंजीयन संख्या अस्पष्ट)।

5. स्वराज ट्रैक्टर चेसिस संख्या MBNAN48ADLTH45294 इंजन संख्या-39.1355/SBH07519 (पंजीयन संख्या अंकित नहीं) जिसके ट्रॉली पर लगभग 100 घनफीट बालू बिना चालान लोड।

6. महिन्द्रा ट्रैक्टर चेसिस संख्या-MBNAAADAPKRK02579 इंजन संख्या-RKK2DBN0791 (पंजीयन संख्या अंकित नहीं) जिसके ट्रॉली पर लगभग 100 घनफीट बालू बिना चालान लोड।

7. जे०डी० लोडर मशीन सिरियल नं०-SR12M180689, मॉडल नं०- S2212

8. जे०डी० लोडर मशीन सिरियल नं०-SRI2B150178, मॉडल नं०- S2212

9. जे०टी० लोडर मशीन सिरियल नं०-SR12H200446, मॉडल नं०- S2212”



7. From the aforesaid facts, it is clear that the details of the vehicle which the petitioner owns is not in the seizure list. However, the facts remains that his vehicle has been impounded/seized and is presently lying with the respondents-authorities.

8. A counter-affidavit has been filed on behalf of the respondent and Ms. Kalpana has taken this Court to paragraph-9 to show that this vehicle was also amongst the seized vehicles for illegal transportation of the sand mining.

9. Learned counsel for the petitioner submits that a perusal of the counter-affidavit would show that virtually, the facts incorporated in FIR has been reproduced.

10. In that background and since the FIR is of the year 2022, the writ petition has been filed in the year 2023 and no detailed counter-affidavit is on record, instead of asking the respondent to file another reply, this Court would like the case to be disposed of with following directions:

(i) the petitioner to detail out all the facts alongwith relevant documents and prefer a petition before the concerned respondent no. 2, the Mines Commissioner, Department of Mines and Geology, Bihar, Patna within a period of two weeks.

(ii) in case, the same is preferred within two weeks,



the concerned respondent no. 2 shall be duty bound to take up the matter and after hearing both the petitioner as also the other side/officials, take a decision with regard to the case of the petitioner within a period of eight weeks from the date, the petition is preferred before him/her.

11. This Court observes that the order must be reasoned one and all the facts be incorporated in the said order.

12. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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