

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1410 of 2024

Arising Out of PS. Case No.-382 Year-2021 Thana- KHIJARSARAI District-
Gaya

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Sarwesh Kumar Son of Dhurkheli Prasad VILLAGE- SARTHUA, P.S.- TOP,
P.S.- SHAHJAHANPUR AND DISTT.- PATNA, BIHAR-801304

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
DEPARTMENT OF MINES AND GEOLOGY, GOVT. OF BIHAR Patna
2. THE DISTRICT MAGISTRATE, GAYA GAYA, BIHAR
3. THE SUPERINTENDENT OF POLICE, GAYA GAYA, BIHAR
4. THE MINERAL DEVELOPMENT OFFICER, GAYA GAYA, BIHAR
5. THE MINES INSPECTOR, GAYA GAYA, BIHAR
6. THE SHO, KHIZARSARAI POLICE STATION, DISTRICT- GAYA GAYA,
BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Avinash Chandra, Adv. Mr. Awnish Kumar, Adv.
For the Respondent/s:	Mr. Sarvesh Kumar Singh, AAG-13
For the Mines	Mr. Naresh Dikshit, Adv. Mr. Brij Bihar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 23-10-2024 Heard learned counsel petitioner as well as

learned counsel for the respondent-State.

2. This petition has been preferred by the
petitioner for release of the Truck bearing registration No.
BR-01 GH-3986 which has been seized by respondent No.5
on 04.12.2021 in connection with Khizarsarai P.S. Case No.
382 of 2021 for the alleged offences under Sections 379 and



411 of the Indian Penal Code and Sections 4(1A) 21 of the Bihar Mineral (Concessions, Prevention of Illegal Mining, Transportation and Storage) Rules 2019 (Amended Rules 2021).

3. It is submitted by learned counsel for the petitioner that after seizure of vehicle, entire compound fees i.e. Rs. 1,95,850/- has been deposited by the petitioner and even after that confiscation proceeding of the Truck in question has been initiated by the District Magistrate, Gaya and the same is still pending before the District Magistrate in Confiscation Case No. 11 of 2023. It is further informed by the learned counsel for the petitioner that before the confiscating authority also, the entire receipts through which the petitioner has deposited the compounding fees have been submitted, even after that no order has been passed by the concerned District Magistrate.

4. Learned counsel for the respondent-State would submit that this petition may be disposed of directing the concerned District Magistrate to conclude the confiscation proceeding and pass order within a specific period.

5. On the basis of submission made by the both the counsels, the District Magistrate, Gaya is directed to



conclude the confiscation proceeding bearing Confiscation Case No. 11 of 2023 and pass a final order within a week from today in accordance with the relevant Rules and law. It is further directed that while passing the order the concerned District Magistrate will consider the fact that the entire compounding fees has already been paid by the petitioner.

6. With the aforesaid observation and direction, this petition stands disposed of. However, liberty is also granted to the petitioner to file a fresh petition, if occasion will arise later on.

(Arvind Singh Chandel , J)

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