

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1490 of 2022

Arising Out of PS. Case No.-185 Year-2022 Thana- JANTA BAZAR District- Saran

=====

Nagendra Kumar Yadav, Son of Bikat Ray, Resident of Mohalla- Rajapur
Bingawan, P.S.- Doriganj, District- Saran. Petitioner

Versus

1. The State of Bihar through the Dy. Secretary of the Dept., Director, Mines,
Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Deputy Superintendent of Police, Saran.
5. The Circle Officer cum Mines Superintendent, Chapra, Saran.
6. The State House Officer, Janta Bazar, Saran.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Ajit Kumar, AC to GA-7
For the Mines	:	Ms. Kalpana, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-02-2024 Heard learned counsel for the petitioner, learned counsel for
the Department of Mines and learned counsel for the State.

2. The petitioner in the present case is seeking release of the truck bearing Registration No. BR04GB-2988 which was seized in connection with Janta Bazar P.S. Case No. 185 of 2022 dated 26.09.2022 registered under Sections 188, 379, 411 of the Indian Penal Code, Section 04/21 of M.M.D.R. Act, Section 56 of the Mining Transportation Act and Section 15 of the Environment Act.

3. At the outset, learned counsel for the petitioner submits that the petitioner is ready to pay the fine and the compounding fee for purpose of release of the truck in question.

4. The truck was seized when it was found laden with 1000

CFT of yellow sand. It is alleged that the truck was involved in illegal transportation of illegally mined sand.

5. Learned counsel for the petitioner and the State has informed this Court that a confiscation proceeding has already been initiated. It is the stand of the State that in terms of the Sub-Rule (4) of Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, if the petitioner applies before the Collector who is the confiscating authority for release of the truck in question on payment of fine and compoundable fee, the Collector shall pass an appropriate order for release of the vehicle in question.

6. In the given facts and circumstances of the case, this Court grants liberty to the petitioner to make an appropriate application before the Collector, Bhojpur at Ara for release of the truck in question which will be considered and an appropriate order shall be passed by the Collector, Bhojpur in accordance with the Rules.

7. If an application seeking release is filed within a period of 30 days from today, an appropriate order shall be passed thereon in another 30 days from the date of filing of the application. For a period of 30 days from today, the vehicle in question shall not be auction sold.

8. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--