

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18333 of 2023

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Turab Ahmad Son of Late Gulzar Ahmad, Resident of village-Laxmipur, P.S.-
Belaganj, Dist-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Mines and Geology,
Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Mining Officer, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer in Charge of Belaganj, Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Madanjeet Kumar (GP-20)
For the Mines Dept.	:	Mr. Naresh Dikshit, Special PP Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2024 Heard the parties.

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

*“That this is an application for issuance of an
appropriate writ/writs, order/orders/direction/
directions to the respondent authorities to
release the Hywa Truck bearing registration
number BR02GB-5214 in favour of petitioner
which has seized in connection with Belaganj
P.S. Case No. 249/2021 registered u/s 379 and
411/34 of the Indian Penal Code and section 21*



of the MM (D&R) Act and Rule 56 of the BMCPIMTS Rule as the aforesaid truck of the petitioner has illegally been seized by the officials of District Mining Officer Gaya and has been kept in custody of police. The petitioner further prays for any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the present case.”

3. The question that has been raised by the learned counsel for the petitioner is that, when the F.I.R. was lodged by the Mines Inspector, Gaya and pursuant thereto, no confiscation proceeding was initiated by the said department, after the order of the learned competent court for granting bail to the Truck, the police on its own could not have made a request for confiscation proceeding.

4. Learned Special PP Mines, Mr. Naresh Dikshit submits that the proceeding has now been initiated and it would be appropriate for him to approach the concerned authority with all the points raised.

5. This Court finds force in the submissions of the learned special PP Mines, the petitioner can very well showcase his case before the said proceeding.



6. The writ petition stands disposed of with liberty to the petitioner to raise all the points available to him under the law, so that the proceeding can be taken to its logical conclusion at an earliest.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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