

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.105 of 2025

Arising Out of PS. Case No.- Year-0 Thana- District- Bhagalpur

Chanda Kumari W/O Deepak Kumar R/o Village- Ramani, Purnea College
Hata, P.S.- Kehat, Distt.- Purnea 854301

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Dept. of Mines and Geology, Govt. of Bihar Patna
2. The Principal Secretary, Home Dept. Govt. of Bihar Patna
3. The Dist. Magistrate, Bhagalpur Bihar
4. The Superintendent of Police, Bhagalpur Bihar
5. The Mineral Development Officer, Bhagalpur Bihar
6. The Dist. Mining Officer, Bhagalpur Bihar
7. The Officer-in-Charge, Sabour P.s., Bhagalpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Singh
For the Respondent/s : G.P.7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-07-2025 Heard learned counsels for the parties.

2. The petitioner has approached this Court for the following reliefs:-

(i) For setting aside the memo no.K-01/M, issued vide letter dated 31.10.2024, by the Mining Development Officer, Bhagalpur wherein the vehicle of the petitioner bearing registration number BR-11GB-8009 has been seized on 30.10.2024 on the ground of "Over load" and the said act was done in gross violation of Bihar Minerals (Concession, Prevention of Illegal



Mining, Transportation and Storage) Rule, 2019.

(ii) For directing the concerned respondents to release the seized truck of the petitioner bearing registration number BR-11GB-8009 which has been illegally seized on 30.10.2024 and the said act was done in gross violation of Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Rule, 2019 particularly Rule 60(2) and Rule 59 of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Rule, 2019.

(iii) For issuing direction upon the respondents herein not to take any coercive steps against the vehicle under consideration in pursuant to the memo no.K-01/M issued vide letter dated 31.10.2024 by the Mining Development Officer, Bhagalpur.

(iv) For a direction to the respondent authorities to pay compensation to the petitioner for illegal confinement of his commercial vehicle.

3. It is argued that the respondents have arbitrarily and illegally seized the Truck as well as the sand loaded thereupon against all the legal norms.

4. The learned counsel for the petitioner submits that without prejudice to his right and contention, the petitioner is ready to pay the amount of fine i.e., Rs.9,70,488/- approx in



three equal installments as his financial condition has deteriorated due to the seizure of this truck.

5. In the interest of justice, this application is disposed of.

6. The petitioner is permitted to pay the amount of fine in three monthly installments.

7. On deposit of the first installment, the vehicle in question shall be released by the authority concerned in favour of the petitioner after verifying the documents of ownership of the vehicle in the name of the petitioner and the release would be subject to the following conditions:-

(i). The petitioner along with the first installment will also furnish a bank guarantee or any other kind of valuable security to the extent of Rs. 10,00,000/- (rupees fifteen lakh) to the satisfaction of the learned Court below;

(ii). The owner shall also furnish an undertaking on oath that he shall not alienate or part with the ownership of the vehicle in question during pendency of the case and further in case any confiscation proceeding is initiated in the matter, he will cooperate with the same;

(iii). Before release of the vehicle in question, a panchnama shall be prepared by the Court below and the same



will be kept in the record.

(iv). The release shall become final after the entire amount is paid in three installments.

(Sandeep Kumar, J)

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