

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1815 of 2025

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Tarkeshwar Nath S/o Sudama Prasad, Resident of Village- Hulasi Tola, P.O.-
Hulasi Tola, P.S.-Maner, District- Patna, Pin code- 801108 Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar.
2. The Secretary, Department of Mines and Geology, Govt. of Bihar, Patna, Bihar.
3. The District Magistrate Cum Collector, Bhojpur, Bihar.
4. The District Mining Officer, Mineral Development Office, Bhojpur, Bihar.
5. The Assistant Director District Mining Office, Bhojpur, Bihar.
6. The Mines Inspector, Bhojpur, Bihar.
7. The Officer-in-Charge, Koilwar Police Station, Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sailesh Kumar, Advocate
For the Respondent/s	:	Mr.Addl. Advocate General-04
For the Mines Department:		Mr. Naresh Dikshit, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 27-02-2025

Heard learned counsel for the petitioner, learned counsel
for the State and Mr. Naresh Dikshit, learned Spl. P.P. for the
Mines Department.

2. The present writ application has been filed for release
of Poklain machine /Caterpillar 320 D3 Hydraulic Excavator
Machine,320 D3 -1.14 Cum Bucket under Carriage bearing Eq.
Serial No-FKC00574,Engine Serial no-NFHM111696 and Chassis
No.-110929 is owner of the petitioner which has been seized by
police in connection with Koilwar P.S Case No.573/23 dated



24/09/2023 registered under 379/411/34 of I.P.C.1960 and 56 (I) / 56 (II) of Bihar Mineral rules (CPIMTS) Amendment rule 2021.

3. Learned counsel for the petitioner has filed the supplementary affidavit stating therein that earlier he has filed a criminal writ application for the same relief bearing Cr.W.J.C. No.137/24 but the same was dismissed for default vide order dated 05.02.2025 and learned counsel for the petitioner has filed an affidavit stating therein that the petitioner has not pursued to restore the same.

4. Learned counsel for the petitioner submits that the authority of the Mines Department has issued a fine upon the petitioner to a tune of Rs.21,64,282/-(Rs. Twenty One Lacs Sixty Four Thousand Two Hundred Eighty Two only) and the petitioner had already deposited Rs.5,00,000/-(Rs. Five Lacs Only) by way of demand draft on 17.02.2024. Learned counsel for the petitioner outrightly submits, on the basis of the instruction received from the petitioner, that the petitioner is ready to pay Rs.16,64,282/- (Rs.Sixteen Lacs Sixty Four Thousand Two Hundred Eighty Two Only) before the authority concerned and learned counsel for the petitioner submits that the petitioner is ready to pay Rs.5,00,000/- (Rs. Five Lacs Only) within a period of fifteen days and for the rest of the amount i.e. Rs.11, 64,282/- (Rs. Eleven Lacs Sixty Four



Thousand Two Hundred Eighty Two Only), learned counsel for the petitioner submits that the petitioner shall furnish the surety bond in favour of the District Mining Officer, Ara and District Mining Officer, Ara is directed to release the vehicle in question forthwith after receiving Rs.5,00,000/-(Rs. Five Lacs Only) and receiving the surety bond for the aforesaid and petitioner shall pay Rs.11,64,282/-(Rs. Eleven Lacs Sixty Four Thousand Two Hundred Eighty Two only)by twelve equal installments and if the petitioner fails to pay any monthly installments as recorded aforesaid, the District Mining Officer, Ara shall be at liberty to take appropriate steps in accordance with law.

5. With the aforesaid direction, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2025
Transmission Date	NA

