

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4745 of 2025

Diwakar Kumar Dinkar Son of Hemendra Kumar Sah, Resident of Village Kupari, Near Ram Janki Mandir, P.S. Kumarkhand, District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Cum Mines Commissioner, Mines and Geology Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Mines and Geology Department, Govt. of Bihar, Patna.
3. The District Mining Officer, Madhepura.
4. The Assistant Director, Mines and Geology Department, Madhepura.
5. The Mines Development Officer, Madhepura.
6. The Mines Inspector, Madhepura.
7. The Station House Officer, Bharrahi Police Station, District Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Mr. Gautam Kejriwal, Advocate Mr. Manoj Kumar, Advocate Ms. Pooja Prasad, Advocate
For the Respondent/s	:	Mr. Government Pleader 20

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 13-10-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned Special Public Prosecutor for the Mines Department.

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

(a) For issuance of a writ in the nature of certiorari for quashing of the letter number 97/khanan Madhepura dated 20.03.2025 and letter number 98/khanan Madhepura dated 20.03.2025 whereby the petitioner has been called upon to



make payment of compounding fee of 8 lakhs with respect to each of the trucks bearing registration number BR 10 GC-5901 and BR 10 GC 5899 along with a demand of the cost of mineral being a sum of 102,306 and 112,625 respectively which is wholly illegal and in teeth of rule 56 (1)/(2) of the Bihar Minerals (Prevention Of Illegal Mining. Transportation And Storage) Rules 2019 (hereinafter referred to as the rules 2019 for short).

(b) For further issuance of a writ in the nature of certiorari for question of the letter number 125/khanan Madhepura dated 01.04.2025 and letter number 127/khanan Madhepura dated 01.04.2025 whereby the assistant director mines and geology, Madhepura has requested the respondent collector Madhepura to confiscate the aforesaid 2 trucks of the petitioner along with minerals in terms of rule 56 (4).

(c) For further issuance of a writ or a direction restraining the order or respondents from initiating proceedings of confiscation against the aforesaid 2 trucks belonging to the petitioner and also restraining them from putting them on auction sale or disposing them in any manner in view of their being complete absence of any legitimate ground to proceed for confiscation of the said vehicles of the petitioner in view of rule 56 (1) of the aforesaid rules 2019.

(d) For further issuance of a writ or order or a direction upon the respondents to



release the aforesaid 2 trucks of the petitioner along with stock on furnishing securities or subject to any other condition as may be deemed fit and proper by this Hon'ble Court in the facts and circumstances of this case.

3. From the pleadings, it appears that the petitioner was not heard before the order of penalty was imposed. In these circumstances, the present application is allowed. The impugned order dated 20.03.2025, imposing the penalty, is hereby quashed, with liberty to the respondents to pass a fresh order in accordance with law after giving the petitioner an opportunity of hearing.

4. In the meantime, the petitioner's vehicles/trucks bearing Registration Numbers BR 10 GC-5901 and BR 10 GC-5899 shall be released, subject to the furnishing of a bank guarantee for the penalty amount.

(Sandeep Kumar, J)

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