

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6539 of 2025

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Binod Kumar Singh @ Vinod Singh Son of Late Mukhtar Singh Resident of
Main Road, Tilaiya, Koderma, Jharkhand, at present R/o- village- Saidanpur,
P.S- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The District Mining officer, Bhojpur at Ara.
4. The Assistant Director, District Mining office, Bhojpur at Ara.
5. The Mining Inspector, Bhojpur at Ara.
6. The Superintendent of Police, Bhojpur at Ara.
7. The Investigating Officer, Imadpur, Police Station, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Malti Kumari, Advocate
For the Respondent/s : Mr.Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-11-2025 Heard learned counsel for the petitioner; learned

counsel for the State and learned counsel for the Mining

Department.

2. The petitioner has moved the Court for the

following reliefs:

“(i) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the letter contained in Memo No. 595 dated 20.02.2025 issued under the signature of respondent no. 4 (The Assistant Director, Bhojpur) whereby and whereunder a proposal for auction of Truck bearing registration No. JH02R-4156 has been sent for approval to respondent no. 2 (The District Magistrate) for confiscation



of truck in question and auction of the same as petitioner failed to deposit penal charge of minerals (sand) Rs. 853125/- for the sand laden on the truck in question.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to release the truck in question bearing registration No. JH02R-4156 in favour of petitioner who is the bonafide owner who on 26.12.2024 got the token for loading of sand from Imadpur Sand ghat and after depositing Rs. 7300/- sand was loaded and it was found that GPS of truck in question is not functioning, thus there was delay in issuing challan, in the meanwhile truck in question was seized by respondent no. 5 (The Mining Inspector) and imposed exorbitant penalty and also institute a criminal case.”

3. Learned counsel for the petitioner has prayed for interim release of the truck in view of the pending of the confiscation proceeding.

4. Learned counsel for the Mining Department has submitted that the petitioner should participate in the confiscation proceeding.

5. In these circumstances, the writ application is disposed of with liberty to the petitioner to participate in the confiscation proceeding pending before the Collector, Bhojpur at Ara.

6. Since no fruitful purpose will be served in keeping the vehicle seized, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal**



Desai vs. State of Gujrat reported as **2002 (10) SCC 283**, during pendency of the matter before the concerned authority, the vehicle in question bearing registration number JH02R-4156 shall be released in favour of the petitioner with the following conditions:

(i) The petitioner shall furnish a security of Rs. 5 lakhs before the concerned/competent authority before whom the confiscation proceeding is pending.

(ii) The petitioner shall furnish all the necessary papers/documents of ownership before the concerned competent authority.

(iii) The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the proceeding and that the vehicles, in question, shall be produced as and when called upon or required in the proceeding or otherwise.

(iv). If any jurisdictional objection is taken by the petitioner that shall also be considered by the authority concerned. The petitioner will also co-operate with the authorities till disposal.

7. This application is disposed of with the aforesaid directions.

(Sandeep Kumar, J)

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