

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.837 of 2024

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

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Anoj Kumar Vimal @ Anoj Kumar Bimal @ Manoj Kumar S/o- Ashok Kumar Vimal @ Ashok Kumar Bimal Village and PO- Khajuri Tola Pariharpur Ward No 11 PS- Sour Bazar District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Mines and Geology Department, Govt. of B Bihar
2. The Commissioner, Mines and Gology Department, Govt. of Bihar, Patna Bihar
3. The Special Secretary-cum-Director, Mines and Geology Dept. Govt. of Bihar, Patna Bihar
4. The District Magistrate cum Dist- Collector, Saharsa Bihar
5. The Mines Inspector, District Mines Ofice, Saharsa Bihar
6. The Station House Officer, Kashnagar Ps- Saharsa Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Ashwani Tiwary, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadav, Gp.23
For the Mines	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 17-06-2025 Heard the learned Senior Counsel for the petitioner, learned counsel for the State and the learned counsel for the Mines Department.

2. This is an application for issuance of a writ in the nature of certiorari for quashing the seizure-cum-demand Notice bearing letter No. camp 01 Kashnagar/Mines Saharsa dated 20.03.2024 issued under the signature of Mines Inspector, District Mines office, Saharsa (Respondent No. 5) whereby and



where under the vehicle of petitioner bearing Registration No. BR-01 GC 7085 loaded with stone chips was seized illegally with solitary allegation that vehicle in question was overloaded by 100 CFT of stone chips and at time of seizure Sub-rule (2) of Rule 59 as well as Sub-rule (2) of Rule 60 of the Bihar Minerals (Concession, Prevention of illegal Mining Transportation and Storage) Rules-2019 and amended Rules -2021 (hereinafter referred to as the 'Rules of 2019' amended Rules of 2021 was violated and further directing the respondents to release the vehicle of petitioner with stone chips bearing Registration No. BR 01 GC 7085 in favour of the petitioner as the vehicle is standing in sun in open sky in campus of Kashnagar Police Station deteriorating day by day.

3. The dispute is with regard to illegal transportation of Stone Chips for which a penalty of Rs. 3,13,329/- (Three Lakh Thirteen Thousand Three hundred Twenty Nine) has been imposed upon the petitioner.

4. The Truck bearing Registration No. BR-01 GC 7085 is lying in the custody of the Mines Department and the confiscation proceeding has been initiated by the Collector, Saharsa.

5. In the special facts of the case, this application is



being disposed of with the following observations and directions:-

A). The petitioner will pay the entire amount i.e., 3 Lakh 14 Thousand approx in six installments within one year.

B). The Truck bearing Registration No. BR-01 GC 7085 shall be released by way of interim arrangement in favour of the petitioner after payment of the first installment of Rs. 53,000/- (Fifty Three Thousand) forthwith.

C). The petitioner will produce surety of Rs. 12 Lakh also before the release of the truck before the Mining Department/Collector, Saharsa.

D). The petitioner thereafter will continue paying the balance amount as per his undertaking.

E). The Truck shall be released as soon as the amount of penalty and the surety are produced.

F). The release shall be subject to the result of the final adjudication by the Mining Department as well as the Confiscation Proceeding.

(Sandeep Kumar, J)

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