

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1113 of 2024

Arising Out of PS. Case No.-375 Year-2022 Thana- KHIJARSARAI District- Gaya

RAKESH KUMAR S/O Ram Dayal Yadav R/O VILLAGE- KUKIYASIN,
P.S- BUNIYADGANJ, DISTT.- GAYA, PIN-824231.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE ADDITIONAL CHIEF SECRETARY, MINES AND GEOLOGY DEPARTMENT, GOVT. OF BIHAR, PATNA. BIHAR
3. THE DISTRICT MAGISTRATE, GAYA. BIHAR
4. THE DISTRICT TRANSPORT OFFICER, GAYA. BIHAR
5. THE SENIOR DEPUTY COLLECTOR-CUM-INCHARGE MINES DEVELOPMENT OFFICER, GAYA. BIHAR
6. THE DISTRICT MINING OFFICER, GAYA. BIHAR
7. THE SUPERINTENDENT OF POLICE, GAYA. BIHAR
8. THE MINING INSPECTOR, GAYA. BIHAR
9. THE MOTOR VEHICLE INSPECTOR, GAYA. BIHAR
10. THE S.H.O. KHIJARSARI P.S., GAYA. BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra Mr. Sanjay Sharma
For the Respondent/s	:	Mr. Subhash Pd. Singh, G.A.13
For the Mining Dept.	:	Mr. Naresh Dixit Ms. Shruti Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Mining

Department.

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

(i) For issuance of a direction upon the



respondent authorities to release vehicle Blue Colored Escort-439 E8 Tractor bearing Registration No. BR 02 GC-8708 Engine No E3641593 Chesis No. T053571696FK along with its trolley, which was seized in connection with Khizersarai P.S. Case No. 375 of 2022 dated 11/10/2022 registered under sections 379, 411 of the Indian Penal Code and under Section 21 of Mines and Minerals (Development and Regulation) Act 1957 and Rule-21 and 56 of the Bihar Mines (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rule 2019.

(ii) For quashing the order dated 25/09/2023 passed by the Learned Court of Additional Session Judge - II, Gaya in Criminal Revision No. 71 of 2023 by which the Revision Application filed against the order dated 03/05/2023 passed by the Learned Court of A.C.JM-IV, Gaya in connection with G.R. No. 6026/ Khizersarai P.S. Case No. 375/ 2022 dated 11/10/2022, has been pleased to dismiss.

(iii) For quashing the order dated 03/05/2023 passed by the Learned Court of A.C.J.M.IV, Gaya in connection with G.R. No. 6026/Khizersarai P.S. Case No. 375 of 2022 dated 11/10/2022 by which an application for release vehicle seized in the aforesaid P.S. Case, has been pleased to dismiss.

3. It has been submitted by the learned counsel for



the Mining Department that the amount of fine of Rs. 36,000/- has been deposited by the petitioner.

4. In view of the fact that the fine of Rs. 36,000/- has been paid by the petitioner, this application is allowed.

5. The vehicle in question i.e. Blue Colored Escort-439 E8 Tractor bearing Registration No. BR 02 GC-8708 is directed to be released forthwith without any surety or security.

(Sandeep Kumar, J)

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