

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.979 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- KHAJALI District- Madhubani

1. Om Namo Narayan Son of Late Ram Lakhan Singh Resident of village- Ram Chowk Bhowara, P.S- Town, District- Madhubani. (Owner of the seized vehicle bearing Registration No. BR-32J-9164.
2. Mithilesh Ray S/o Ashok Ray R/O- Village Kahraua, P.S.- Rahika, District- Madhubani (Driver of the seized vehicle) Petitioners.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna. Bihar
2. Director General of Police, Bihar, Patna. Bihar
3. The Superintendent of Police, Madhubani. Bihar
4. The Dy.S.P, Madhubani. Bihar
5. The Officer-in-charge, Khajali, Madhubani Bihar
6. The Principal Secretary, (Mines and Geology Department), Vikash Bhawan, Govt. of Bihar, Patna. Bihar
7. The Assistant Director, Mines and Geology Department-cum-District Mining Officer, Madhubani. Bihar
8. The District Magistrate-cum- Collector, Madhubani. Bihar
9. The Mines Development Officer, Madhubani. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s : Mr. S.C.13
For the Mines Department: Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-07-2025 Heard learned counsel for the parties.

2. This application has been filed for seeking following reliefs:

I. To issue an appropriate writ/writs, order/orders and direction/directions in the nature of



certiorari for quashing the Khajauli P.S. Case No. 265/2024 dated 19.11.2024 registered U/s 303(2), 317(2) of BNS and section 21, 56(2) of Mines and Minerals Development and Regulation Act, 1957 of the Bihar Minerals (Concession and Provision and illegal Mining Transportation and Storage) Amendment Rules 2024 which is pending in the Court of learned J.M 1st Class, P.R Chaurasiya on the ground that the allegation contained therein completely incorrect and baseless.

II. To issue further appropriate writ/order/direction in the nature of mandamus commanding the respondent 1st set not to take any coercive steps against the petitioners and or its managerial personal in pursuance of Khajauli P.S Case No. 265/2024.

III. The Hon'ble Court may adjudicate and hold that no cognizable offence is made out against the petitioners as per the contents of the first information report and there cannot be subjected to criminal procedure.

IV. To award the cost of litigation and suitable contends to the petitioners for the loss and damage caused to the petitioner due to inaction of the respondents.

3. It has been submitted by learned counsel for the



petitioners that the petitioners have already filed an appeal before the concerned Court below.

4. In these circumstances, this application is disposed of with liberty to the petitioners to file an application for interim released before the Appellate Court. If such an application is filed by the petitioners, the same shall be decided by the Appellate Court within one week of its filing.

(Sandeep Kumar, J)

anand/-

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