

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.739 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- Nagara District- Saran

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Suresh Kumar S/o- Jhauri Lal Rai Village- Manoharpur Post-Dighwara PS-
Dariyapur Distt- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Dept. of Mines and Geology,
Govt. of Bihar, Patna Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna Bihar
3. The District Magistrate, Saran at Chapra Bihar
4. The Superintendent of Police, Saran at Chapra Bihar
5. The Mineral Development Officer, Saran at Chapra Bihar
6. The District Mining Officer, Saran at Chapra Bihar
7. The Officer in Charge, Nagra, Saran at Chapra Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Singh, Advocate
	:	Mr. Neeraj Kumar, Advocate
	:	Ms. Sanghmitra Ghosh, Advocate
For the Respondent/s	:	Mr.S.C.16

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-07-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Mining

Department.

2. By way of this application, the petitioner has
prayed for the following reliefs:-

“To direct the respondent

authorities to release the truck bearing

Reg. No.BR-01GK-5603 loaded with



sand in favour of the petitioner
forthwith.”

3. It has been submitted by learned counsel for the petitioner that the respondents have arbitrarily and illegally seized the truck in question as well as the sand loaded thereupon against the legal norms. It has also been submitted that the truck in question has been confiscated and an appeal has been filed against the confiscation order, which too has been dismissed.

4. The learned counsel for the petitioner submits that without prejudice to his right and contention, the petitioner is ready to pay the amount of fine of Rs.2,48,000/- (Rupees Two Lakh Forty Eight Thousand only) within eight months in eight equal installments as his financial condition has deteriorated due to the seizure of this truck.

5. Learned counsel for the Mining Department has submitted that the penalty amount is Rs.2,47,719/-.

6. Considering the submissions of learned counsel for the petitioner and in the interest of justice, I am of the view that the truck in question should be released in favour of the registered owner, who is none other than the petitioner. Therefore, by way of interim arrangement, the respondents are directed to release the truck in question in favour of the



petitioner subject to the condition that he will deposit the fine amount of Rs.2,48,000/- within eight months in eight equal installments.

7. On deposit of the first installment, the truck in question shall be released by the authority concerned in favour of the petitioner after verifying the documents of ownership of the truck in question in the name of the petitioner and the release would be subject to the following conditions:-

“i. The petitioner along with the first installment will also furnish a bank guarantee or any other kind of valuable security to the extent of Rs. 5,00,000/- to the satisfaction of the concerned authority;

ii. Before release of the truck in question, a *panchnama* shall be prepared;

iii. The release shall become final after the entire amount of fine is paid in five equal installments;

iv. The petitioner will not sell the truck in question without permission of the authority before whom the revision will be taken up.



8. Accordingly, this criminal writ application is
allowed.

(Sandeep Kumar, J)

anand/-

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