

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.825 of 2025

Arising Out of PS. Case No.-70 Year-2024 Thana- SIRDALA District- Nawada

Rinku Devi W/O Late Mithlesh Kumar R/o Village-Pirauta, Post- Kundwa,
P.S.-Sirdala, District- Nawada, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Dept of Mines and Geology, Govt of Bihar, Patna Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna Bihar
3. The District Magistrate, Nawada, Bihar Bihar
4. The Superintendent of Police, Nawada, Bihar Bihar
5. The Mineral Development Officer, Nawada, Bihar Bihar
6. The District Mining Officer, Nawada, Bihar Bihar
7. The SHO, Sirdala Police Station, District- Nawada, Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Singh
For the Respondent/s : Mr. Naresh Dikshit
Mrs. Kalpana

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-06-2025 Heard the learned counsel for the petitioner and the

learned counsel for the Mining Department.

2. This application has been filed for directing the respondents to release the vehicle of the husband (now deceased) of the petitioner in favour of the petitioner which is a New Holland tractor having Registration No. BR 27G 3874, Engine No. E49168 and chassis no. NHN30320ZHF390806 which has been seized by the State officials under Sirdala P.S. Case No. 70/2024 under Sections 379/411 of IPC dated



23.02.2024.

3. The facts of the case in brief are that on 23.02.2024, the informant and other police party were on patrolling duty and at about 14.30 O'Clock, the informant received information about illegal sand excavation from Gulati Ghat of Tilaiya river in Mandal village. The police reached near the said Ghat where a tractor was standing along with two persons there who were loading sand in the tractor. The police chased the driver of the tractor who succeeded in fleeing away. The tractor was searched in the presence of the police witnesses from which sand was found loaded.

4. The learned counsel for the Mining Department has submitted that a total amount of Rs. 2,72,250/- which includes Rs. 30,375/- for the fine of the vehicle and Rs. 2,41,875/- for the illegal excavation of sand.

5. The learned counsel for the petitioner submits that the petitioner is the bona-fide owner of the tractor and he has not done the excavation but he has wrongly been saddled with the excavation of sand and a huge penalty has been imposed upon the petitioner.

6. In these circumstances, this application is allowed with liberty to the petitioner to deposit the amount of Rs.



30,375/- (Fine for the vehicle) in two equal installments. The tractor shall be released in favour of the after deposit of the first installment and after he produces a surety of Rs. 5 Lakh. Thereafter, the second installment shall be deposited by the petitioner within one month of the release of the vehicle.

7. So far as the balance amount i.e., Rs. 2,41,875/- is concerned, the same is subject to the result of the trial. If in the trial, it is found that petitioner is guilty of illegal excavation of sand and is liable to pay the amount, he will pay the same within one month of the decision. If the petitioner, after being found guilty, does not pay the amount within one month of the decision of the case, the tractor shall again be seized by the authority.

8. With the aforesaid observation and direction, this application stands allowed.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

