

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10304 of 2024

Subhash Chandra Yadav S/o Tarni Yadav, Resident of village- Bishanpur, P.S.
Lodipur, District- Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Mines and Geology, Govt. of Bihar, Patna.
2. The Director, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Mineral Development Officer (DMO), Department of Mines and Geology, Govt. of Bihar, Katihar.
4. The Mineral Development Officer (DMO), Department of Mines and Geology, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Shambhu Sharan Singh, Advocate
For the Respondents : G.P.-7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 04-11-2025 Heard learned counsel for the petitioner and

learned counsel for the State.

2. By way of this writ petition, the petitioner

has prayed for the following reliefs:-

*“i. For quashing of the order dated
05.03.2024 passed by the Collector,
Katihar in (Mining) Vehicle
Confiscation Case No.97/23-24 seizing
the vehicle no. BR- 10GA-5751 along
with the minerals and handed over to
Kodha Police Station for security on
the charges of illegal transportation of
minor minerals.*



ii. For staying the auction of the said vehicle by district level auction committee and release the same to the petitioner.”

3. Learned counsel for the petitioner submits that during the confiscation proceeding before the Collector, Katihar, the petitioner had offered to deposit the penalty amount by filing an application dated 20.12.2023 but the Collector did not consider the same and passed the final impugned order on 05.03.2024, by which the vehicle of the petitioner has been confiscated and it has been recommended to auction the said vehicle.

4. Learned counsel for the State has opposed the application.

5. I have considered the submissions of the parties and perused the material on record. I have also gone through the judgment and order passed by the Division Bench of this Court in ***L.P.A. No.1637 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)***.

6. It appears that the petitioner had voluntarily offered to pay the penalty amount before the Collector, however, the same was not considered by him.

7. Considering the aforesaid fact and also the



fact that no fruitful purpose will be served in keeping the vehicle of the petitioner seized and also the law laid down by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujrat*** reported as ***2002 (10) SCC 283*** and also the decision of the Division Bench of this Court in ***L.P.A. No.1637 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)***, the vehicle of the petitioner bearing registration No. BR-10GA-5751 be released in favour of the petitioner, subject to the following conditions:-

- i. *The petitioner shall furnish a security of Rs.2,70,000/- before the concerned/competent authority before whom the confiscation proceeding is pending.*
- ii. *The petitioner shall furnish all the necessary papers / documents of ownership before the concerned / competent authority.*
- iii. *The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred/sold in favour of any third party during the pendency of the proceeding and that the truck in question shall be produced as and when called upon or required in the proceeding or otherwise.*
- iv. *If any jurisdictional objection is taken by the petitioner, that shall also be considered by the authority concerned. The petitioner will also cooperate with the authorities till the final disposal of the proceeding.*



8. This writ petition is disposed of with the
aforesaid observations and directions.

(Sandeep Kumar, J)

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