

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8664 of 2025

1. Narayan Prasad Yadav S/o Prabhu Yadav, Resident of Village-Simariya, P.S. Domchok, District-Kodarma (Jharkhand), (Owner of Truck No. JH12R-6781).
2. Vikash Kumar Yadav, S/o Narayan Prasad Yadav, Resident of Village-Simariya, P.S. Domchok, District-Kodarma (Jharkhand), (Owner of Truck No. JH02BT-8326).
3. Rahul Kumar @ Rahul Raj, S/o Rajendra Mehta, R/o Village-Langrapipar, P.S. Domchok, District-Kodarma (Jharkhand), (Owner of Truck No. JH12F-8543).
4. Shambhu Mehta, S/o Baijnath Mehta, R/o Village-Phulwariya, P.S. Nawalsahi, District-Kodarma (Jharkhand), (Owner of Truck No. JH12R-1837).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Nawada.
3. The Superintendent of Police, Nawada.
4. The District Mining Officer, Nawada.
5. The Mining Inspector, Nawada.
6. The SHO, Rajauli Police Station, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Respondent/s : Mr. Government Pleader (03)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioners; learned counsel for the State and learned counsel for the Mining Department.

2. This writ petition has been filed for the following reliefs:-



- I). For setting aside the Confiscation Order Memo No. 666/बिधि/नवादा dated 10.03.2025 passed by the Collector, Nawada, by which the Collector-cum-District Magistrate, Nawada has passed the order to filed show cause as to why the seized vehicles could not be confiscated under the provisions of the Bihar Minor Mineral Concession Rules, 2017 and Bihar Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2019;*
- II. For issuance of a writ of mandamus and any other appropriate writ/writs, order/orders and direction/directions to the concerned respondent's authority to release the vehicles (Truck) of the Petitioner's bearing Regd. No. JH12R-6781, JH12R-1837, JH02BT-8326 and JH12F-8543 in favour of the petitioners;*
- III. For further direction to the concerned Respondent's authority not to confiscate and auction the vehicles till the disposal of this writ petition;*
- IV. For further direction to waive/slash the penalty imposed upon the owners of the vehicle as his vehicles were valid challan for carrying the goods, in spite of the fact that no minerals were loaded on the Trucks at the time of seizure.*

3. The fact of the case is that on 20.12.2024, a raid was conducted based on secret information and nine vehicles including trucks and Hyvas were seized under the allegation of illegal transportation of soil and on that basis, a criminal case



was registered as Rajauli P.S. Case No. 595/2024 under Sections 303(2), 317(2), 111(2) of Bharatiya Nyaya Sanhita (BNS), 2023 against the owner, drivers and Khalasi of the Vehicles.

4. It is submitted by learned counsel for the petitioners, that the petitioner no. 1 is the owner of the truck bearing Registration No. JH-12R-6781; the petitioner no. 2 is the owner of truck bearing Registration No. JH-12R-1837, petitioner no. 3 is the owner of the truck bearing Registration No. JH-02BT-8326 and the petitioner no. 4 is the owner of truck bearing Registration No. JH-12F-8543.

5. The learned counsel for the petitioners has also relied upon judgment of the Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujarat, (2002) 10 SCC 283* and also the judgment of this Court passed in the case of *Krishna Kumar Singh v/s State of Bihar, 2022 SCC OnLine Pat 2057*.

6. The Mining Department *vide* letters dated 31.01.2025 had imposed a fine on the aforesaid trucks which is as under:

Registration No	Fine imposed
JH-12R-6781	Rs. 8,87,550/-
JH-12R-1837	Rs. 8,97,219/-
JH-02BT-8326	Rs. 8,93,288/-



JH-12F-8543	Rs. 8,93,288/-
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7. The learned counsel for the Mines Department has submitted that confiscation proceedings has been initiated against the petitioners, but they have not appeared before the authority. He further submits that the petitioners should participate in the confiscation proceeding.

8. In these circumstances, the writ application is disposed of with liberty to the petitioners to participate in the confiscation proceeding pending before the authority concerned.

9. Since no fruitful purpose will be served in keeping the vehicles seized, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujrat (Supra)***, during pendency of the matter before the concerned authority, the vehicles in question bearing registration numbers JH12R-6781, JH12R-1837, JH02BT8326 and JH12F-8543 respectively shall be released in favour of the respective owners/petitioners with the following conditions:

(i) *The petitioners shall furnish a security of Rs. 9 lakhs for for each vehicle before the concerned/ competent authority before whom the confiscation proceeding is pending.*

(ii) *The petitioners shall furnish all the necessary*



papers/documents of ownership before the concerned competent authority.

(iii) The petitioners shall undertake, in writing, that the vehicles, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the proceeding and that the vehicles, 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 petitioners that shall also be considered by the authority concerned. The petitioners will also co-operate with the authorities till disposal.

7. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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