

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9163 of 2025

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Rakesh Yadav S/o Indradev Yadav, R/o-Near Bajrangbali Mandir
Jagarnathpur, Post-Nandlalpur, P.S. Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Mines and Mineral Department, Govt. of Bihar, Patna.
2. The Director, Mines and Mineral Department, Govt. of Bihar, Patna.
3. The Assistant Director, Mines and Mineral Department, Madhepura.
4. The Mines Officer, Madhepura.
5. The Mines Inspector, Madhepura.
6. The District Magistrate, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajive Ranjan Singh, Advocate
For the State	:	Ms. Shalini, AC to GP-5
For the Mines Deptt.	:	Ms. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 05-08-2025 Heard learned counsel for the petitioner, learned
counsel for the Mines Department and learned counsel for the
State.

2. The petitioner submits that he is the registered owner of the Truck bearing Registration No.JH18M-4164 which has been seized by the Mines Inspector for overloading transportation of minerals on 16.01.2024. A checking was conducted on 16.01.2024 at 06:00 PM within the Udakishunganj P.S. Area and during inspection and patrolling the vehicle of the petitioner bearing Registration No.JH18M-4164 was intercepted



and on demand of valid document, E-chalan was produced which indicated quantity of transportation of 592 CFT of yellow sand. To verify the same and as provided under Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (for brevity referred to as the 'Rules-2019'), the vehicle of the petitioner was taken to the nearest weighbridge, namely, Maa Laxmi Digital Dharamkanta, Puraini, Madhepura and upon weighment of the said vehicle it was found that the truck was carrying 1382 CFT as per RC submitted by driver of the vehicle. It is for this reason that a penalty of Rs.2,73,632/- was imposed upon the petitioner vide Annexure-D to the counter affidavit filed by the respondent Mines Department and the vehicle in question was seized.

3. Learned counsel for the petitioner submits that the petitioner is ready to deposit the penalty amount of Rs.2,73,632/- within one month from today and prays that upon deposit of the penalty amount his vehicle /Truck bearing Registration No.JH18M-4164 may be ordered to be released within one week after the deposit and the confiscation proceeding be directed.

4. To the aforesaid prayer made by learned counsel for the petitioner, learned counsel for the Mines Department does



not have any objection.

5. Considering the nature of prayer made by learned counsel for the petitioner, this writ application is disposed of directing the petitioner to deposit the penalty amount of Rs.2,73,632/- within one month from today. This penalty amount must be deposited before Mines Officer, Madhepura (Respondent no.4) and if the deposit is made within one month then the vehicle of the petitioner shall be released within one week thereafter, and the confiscation proceeding initiated against the petitioner will stand dropped. However, if the penalty amount is not deposited within the time stipulated then the confiscation proceeding should be continued against the petitioner and taken to its logical conclusion.

6. With the aforesaid observation and direction the present writ application is allowed. All pending I.As, if any shall be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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