

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1504 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MAKER District- Saran

Md. Imran Alam Son of Mohammad Wahabuddin Resident of Village-
Makhdoom Rasti Nagar, P.S- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through The Commissioner-Cum-Principal Secretary,
Mines and Geology Department Government of Bihar, New Secretariat
,Patna
2. The Principal Seretary-Cum- Commissioner, Mines And Geology
Department Government of Bihar, New Secretariat, Patna
3. The District Magistrate-Cum- Collector, Saran, Chapra Chapra
4. The Mines Development Officer , Saran, Chapra Chapra, Saran
5. The Mines Inspector, Saran ,Chapra Saran, Chapra
6. S.H.O, Maker P.S, Saran Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Respondent/s : Mr. G.A. 3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This writ application has been filed on behalf of the

petitioner seeking the following relief(s):

*(i). For issuance of appropriate writ,
order; direction in the nature of Mandamus
directing and commanding the respondent
authorities to release the vehicle i.e. 12-wheeler
truck loaded with 550 cft sand bearing registration
no. BR25G3519, Chasis No.
MAT466416B5H14523, Engine No. 11HE3170421
in favour of the petitioner which has been seized by
Mines Inspector, Saran, Chapra vide letter No.
Camp 01/M dated 09.01.2024 in surprise
inspection/checking and further kept the seized
vehicle under the custody SHO, Maker PS in terms*



of provisions contained in Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules 2019, amended in 2021 in Maker P.S. Case no. 07/23 dated 09.01.2024 u/s. 379/411 IPC, Section 4/24 MMDR Act, 1957 and Section 56 Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, 2019.

(ii). For issuance of appropriate writ, order direction in the nature of Certiorari directing and commanding the concerned respondents to cancel/quash letter No. 336/M dated 29.02.2024 issued under the signature of Mines Development Officer, Saran, Chapra by which a report has been submitted before learned ACJM-XIII, Saran, Chapra that in Maker P.S. Case No. 07/24, a vehicle bearing Registration No. BR25G3519 has been seized by the Mines Inspector, Saran on 09.01.2024 at 10.30 am during surprise inspection/checking and the validity of challan has been lapsed and the sand was being transported without being cover which was in violation of Rule 56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining, Amendment Rules, 2021), and a demand notice for a sum of Rs. 2,58,410/- was issued towards fine/compounding fee which has not been deposited by the vehicle owner in the District Mining Office, Saran, Chapra and has issued no object in release of vehicle on payment of Rs. 2,58,410.

(iii). For any other relief to which petitioner is found entitled in the facts and circumstances of the case.

3. It has been submitted by the learned counsel for the State that a penalty of Rs. 2,58,410/- has been imposed upon the petitioner and if the petitioner deposit the same before the appropriate authority his vehicle shall be released.

4. In these circumstances, this application is disposed of with liberty to the petitioner to deposit the aforesaid amount



before the concerned authority and get his vehicle released.

(Sandeep Kumar, J)

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