

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1263 of 2025

Arising Out of PS. Case No.- Year-0 Thana- District- Rohtas

Ashwini Kumar S/O Kamleshwar Singh R/O Mohalla- Noorangaj, Sasaram ,
P.S.- Sasaram Town, Dist.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar, Through Additional Chief Secretary, Dept of Mines and Geology, Govt. of Bihar, Bihar
2. The Additional Chief Secretary, Dept of Mines and Geology Govt. of Bihar, Patna
3. The Director, Department of Mines and Geology, Govt. of Bihar, Patna Bihar
4. The District Magistrate, Rohtas at Sasaram Bihar
5. The District Mining Officer, Rohtas at Sasaram Bihar
6. The Assistant Director , Department of Mines and Geology, Rohtas at Sasaram Bihar
7. The Mining Inspector, Rohtas at Sasaram Bihar
8. That Station House Officer, Dhaudarh Police Station, Rohtas Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Advocate
For the State	:	Mr. Arvind Kumar, AC to Ex. GA-9
For the Dep. Of Mines	:	Mr. Naresh Dikshit, Spl. P.P., Mines Mr. Utsav Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 08-09-2025

Heard learned counsel for the petitioner, learned counsel for the Department of Mines and learned counsel for the State.

2. The petitioner has approached this Court for quashing the order dated 15.05.2025 passed by learned C.J.M., Rohtas at Sasaram in Misc. Case No. 005 of 2025 and for



further quashing the letter dated 28.03.2025 bearing letter no. Camp 01 issued by the Mining Inspector, Rohtas at Sasaram by which the truck of the petitioner bearing registration no. BR-24-GA-2205 has been seized and a fine of Rs.8,37,275/- has been imposed leveling the allegation of illegal mining and overloading. Further direction has been sought to the respondent authorities to release the truck bearing registration no. BR-24-GA-2205 in favour of the petitioner within a specified period.

3. Learned counsel for the petitioner submits that the truck of the petitioner bearing registration no. BR-24-GA-2205 was seized as it was allegedly found loaded with sand mixed soil. But the truck of the petitioner was carrying earth soil from the land of one Ramesh Singh and was not carrying sand mixed soil. Learned counsel further submits that from the report of the Mining inspector it appears, he seized the truck during transportation for being without any valid permit/challan. Learned counsel further submits that when the application was filed before the Court of learned Chief Judicial Magistrate, Rohtas at Sasaram, a report was called for from the S.H.O., Dhaudarh wherein it has been submitted by the S.H.O. that this truck was found parked besides the road and there was no driver so it was taken to the police station and the Mining as well as



Motor Vehicles Inspectors were informed. The Mining Inspector came and seized the truck and imposed fine. The Motor Vehicles Inspector also imposed fine for overloading. The fine imposed by the Mining Inspector was Rs. 8,37,275/- and fine imposed by Motor Vehicles Inspector was Rs.64,500/-. Learned counsel thus submits that there was contradiction in the claim of the Mining Inspector as well as the S.H.O. of the concerned police station. If the truck was brought to the police station by the S.H.O., the claim of the Mining Inspector that the same was found transporting illegal sand soil is not correct. Learned counsel further submits that the vehicle is lying in the police station and is getting damaged everyday, so the truck may be released and the aforesaid orders be quashed and set aside.

4. Learned counsel appearing on behalf of the Department of Mines vehemently contends that the present criminal writ petition is not maintainable as after seizure of truck loaded with mixed sand, the petitioner is having remedy under Rule 67(1) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019. While passing the order dated 15.05.2025, the learned C.J.M., Rohtas at Sasaram has observed that since no FIR was registered and the said Court had no jurisdiction, the matter was disposed of



with liberty to the petitioner to have recourse to the appropriate forum but instead of availing the right of appeal before the Collector of the district concerned, the petitioner has come before this Court. Learned counsel further submits that in any case, the truck was seized loaded with mixed soil by the Mining Inspector which was being transported without any valid permit and that is an activity banned under Rule 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

5. Having regard to the submission made on behalf of the parties and the facts on record, it is much apparent that the learned C.J.M., Rohtas at Sasaram found no jurisdiction and there is no material brought on record by the petitioner to show that the jurisdiction was vested with the learned C.J.M., Rohtas at Sasaram and he failed to exercise the said jurisdiction. On this ground, seeking quashment of order dated 05.05.2025 passed by learned C.J.M., Rohtas at Sasaram is without any merits.

6. Thereafter, further prayer for quashing the letter dated 28.03.2025 bearing letter no. Camp 01 issued by the Mining Inspector, Rohtas at Sasaram is not amenable to the criminal writ jurisdiction of this Court and petitioner is better advised to have recourse of appropriate forum against the said



communication of Mining Inspector and cannot approach this Court in this manner by filing a criminal writ under Article 226 and 227 of the Constitution of India. Since the remedy of appeal has been provided under Rule 67(1) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, the present writ petition cannot be entertained.

7. Therefore, finding no merit in the present writ petition, the same is dismissed with liberty to the petitioner to have the recourse of law before appropriate forum in an appropriate proceeding.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	-
CAV DATE	-
Uploading Date	10.09.2025
Transmission Date	10.09.2025

