

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10870 of 2024

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Md. Shamshad Son of Md. Kamruddin, Resident of Village- Puraini Makbara,
P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Mines and Zoological Department,
Government of Bihar, Patna.
2. The Mines Commissioner, Bhagalpur Division, District- Bhagalpur.
3. The District Magistrate, at Bhagalpur, District- Bhagalpur.
4. The District Mining Officer, District- Bhagalpur.
5. The District Transport Officer, District- Bhagalpur.
6. The Mines Development Officer, District- Bhagalpur.
7. The Mines Inspector, District- Bhagalpur.
8. The S.H.O. of Jagdishpur Police Station, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, ADvocate
For the Respondent/s : Mr.Anirbau Kundu, Standing Counsel-24

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 08-04-2025

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

2. Learned counsel for the petitioner submits that the
Truck of the petitioner bearing Registration No.BR 11S 8332 has
been seized by the Mines Development Officer, Bhagalpur for
carrying overload sand over the aforesaid vehicle. Learned counsel
for the petitioner submits that the allegation as alleged in the
impugned order is false and fabricated and from a bare perusal of
the impugned order it appears that no weighing was conducted in



presence of the petitioner and even how much more sand was found in the vehicle in question not mentioned in the impugned order and the authority has issued a letter which suggests that the petitioner is liable to pay a fine of Rs.2,40,446/- (Two Lacs Forty Thousand Four Hundred Forty Six). Learned counsel for the petitioner submits that without the measurement the authority has come to the conclusion that the vehicle in question was overloaded.

3. Considering the aforesaid facts, the respondent No.3 is directed to measurement of the vehicle in question afresh in presence of the representative of the petitioner/petitioner and representative of the Mines Department and then take a fresh decision in accordance with law. The measurement process shall be completed within a period of two weeks from the date of receipt/production of a copy of this order.

4. With the aforesaid direction, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2025
Transmission Date	NA

