

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1485 of 2025

Arising Out of PS. Case No.-258 Year-2024 Thana- KOILWAR District- Bhojpur

Srawan Kumar Singh S/o Jagar Nath Singh R/o Village- Dighwara, Haraji,
P.S.- Awtar Nagar, District- Saran - 841207 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Dept. of Mines and Geology, Govt. of Bihar, Patna
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The Superintendent of Police, Bhojpur, Ara.
5. The Mineral Development Officer, Bhojpur, Ara.
6. The District Mining Officer, Bhojpur, Ara.
7. The Officer-in-Charge, Koilwar Police Station, Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Singh, Advocate Ms. Sanghamitra Ghosh, Advocate Mr. Neeraj Kumar, Advocate
For the State	:	Government Advocate -08
For the Mines	:	Mr. Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Mining

Department.

2. By way of this application, the petitioner has

prayed for the following reliefs:-

*“i. For issuance of writ in the nature
of "Mandamus" upon the concerned
respondents to release the seized truck of the
petitioner bearing registration number UP-78-
CT-8011 which has been seized on 16.06.2024.*



ii. For issuance of writ in the nature of "Mandamus" commanding the respondents not to take coercive steps against the petitioner in pursuance of Koilwar P.S. Case no. 258/2024 which was registered on 16.06.2024 under sections 379, 411, 34 of the I.P.C. & Rule 56 (i), 56 (ii) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule, 2019 and its amended Rule-2021.

iii. For issuance of an appropriate writ, direction or order upon the respondents herein for staying the investigation and farther proceedings pursuant to F.I.R. pertaining to Koilwar P.S. Case no. 258/2024 which was registered on 16.06.2024 under sections 379, 411, 34 of the I.P.C. & Rule 56 (i), 56 (ii) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule, 2019 and its amended Rule 2021."

3. It has been submitted by learned counsel for the petitioner that the respondents have arbitrarily and illegally seized the truck in question as well as the sand loaded thereupon against the legal norms. It has also been submitted that the truck in question has been confiscated and an appeal has been filed against the confiscation order, which too has been dismissed.

4. Learned counsel for the Mining Department has submitted that the penalty amount is Rs.3,14,538/-.

5. The learned counsel for the petitioner submits that without prejudice to his right and contention, the petitioner is ready to pay the amount of fine of Rs.3,14,538/- (Rupees Three Lakh Fourteen Thousand and Five Hundred Thirty Eight only)



within eight months in eight equal installments as his financial condition has deteriorated due to the seizure of this truck.

6. Considering the submissions of learned counsel for the petitioner and in the interest of justice, I am of the view that the truck in question should be released in favour of the registered owner, who is none other than the petitioner. Therefore, by way of interim arrangement, the respondents are directed to release the truck in question in favour of the petitioner subject to the condition that he will deposit the fine amount of Rs.3,14,538/- within eight months in eight equal installments.

7. On deposit of the first installment, the truck in question shall be released by the authority concerned in favour of the petitioner after verifying the documents of ownership of the truck in question in the name of the petitioner and the release would be subject to the following conditions:-

“i. The petitioner along with the first installment will also furnish a bank guarantee or any other kind of valuable security to the extent of Rs. 5,00,000/- to the satisfaction of the concerned authority;

ii. Before release of the truck in



question, a panchnama shall be prepared;

iii. The release shall become final after the entire amount of fine is paid in five equal installments;

iv. The petitioner will not sell the truck in question without permission of the authority before whom the revision will be taken up.”

8. Accordingly, this criminal writ application is allowed.

(Sandeep Kumar, J)

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