

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10519 of 2025

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Ramanand Pandey, son of Late Krishan Nandan Pandey, Resident of Village
and P.O- Narari, P.S- Tharthari, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Mines Director, Government of Bihar, Patna.
3. The Mines Commissioner, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Mining Officer, Patna.
6. The Mineral Development Officer, Patna.
7. The S.H.O. Salimpur P.S., District- Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Amit Kumar, Advocate
For the State	:	Mr. Sunil Kumar Mandal, S.C.-3 Mr. Arjun Prasad, A.C. to S.C.-3
For the Mining Deptt.	:	Mr. Naresh Dikshit, Advocate Mr. Brij Bihari Tiwari, Advocate Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 11-11-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Mining

Department.

2. This writ application has been filed for a

direction upon the respondents to release the tractor bearing

registration no.BR-21GA1716 along with trailer bearing

registration no. BR21GB0487 in favour of the petitioner.

3. Learned counsel for the petitioner submits



that the petitioner is ready to deposit the compounding fee / penalty amount of Rs.1,10,650/- imposed upon him in five equal installments. He further submits that the petitioner is a poor person and the seized tractor and trailer are the sole source of livelihood for the petitioner.

4. Though learned counsel for the Mining Department has opposed the prayer of the petitioner for release of the tractor and trailer but he has submitted that considering the facts of this Court, this Court may pass appropriate orders.

5. Considered the submissions of the parties and perused the materials on record.

6. Considering the fact that the tractor and trailer of the petitioner seized by the Mining Department is the sole source of income of the petitioner and no fruitful purpose will be served in keeping the same seized and also the law laid down by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujarat*** reported as ***2002 (10) SCC 283***, the tractor bearing registration no. BR-21GA1716 along with trailer bearing registration no. BR21GB0487 be released in favour of the petitioner.

7. Considering the submission of learned counsel for the petitioner that he is ready and willing to pay the



compounding fee / penalty of Rs.1,10,650/- in five equal installment, the release of the tractor and trailer is subject to the following conditions:-

- i. The petitioner shall furnish all the necessary papers / documents of ownership of the tractor and trailer before the concerned / competent authority.*
- ii. The payment shall be made in five monthly installments. Upon payment of first installment of Rs.23,000/- deposited by the petitioner before the concerned / competent authority, the tractor and trailer shall be released. Thereafter the petitioner shall deposit the remaining amount of compounding fee / penalty in four equal monthly installments.*
- iii. The petitioner shall undertake, in writing, that the tractor and trailer, in question, shall neither be alienated nor be transferred/sold in favour of any third party during the pendency of the confiscation proceeding and that the same shall be produced as and when called upon or required in the proceeding or otherwise.*



- iv. *If any jurisdictional objection is taken by the petitioners, that shall also be considered by the authority concerned. The petitioner will also cooperate with the authorities till the final disposal of the proceeding.*
- v. *If the petitioner fails to make the payment of monthly installment, as indicated above, the respondents shall be at liberty to file an appropriate application for recalling the order of release.*

8. With the aforesaid observations and directions, this writ petition is allowed.

(Sandeep Kumar, J)

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