

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1246 of 2023

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

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Baiju Kumar, son of Ramchandra Lal, Resident Of Village- Amta, PS- Baheri,
Dist- Darbhanga

... .. Petitioner

Versus

1. The State Of Bihar through the Director General Of Police, Bihar, Patna.
2. The Inspector General of Police, Tirhut Renge, Muzaffarpur
3. The Superintendent of Police, Vaishali at Hajipur
4. The S.H.O. Sadar Hajipur
5. The Bihar State Minig Corporation Through Its Manger/ Director

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Priyesh Kumar, Advocate
For the Respondents	:	Mr. Manish Kumar, Advocate
For the Mining Department :		Mr. Naresh Dixit, Spl. P.P.
		Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 08-07-2025 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:-

*“To direct the respondent authorities to release
the truck bearing Reg. No.HR38Y-9484 loaded
with sand in favour of the petitioner forthwith
which has been illegally seized by the S.H.O.
Sadar Hajipur.”*

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

5. Learned counsel for the Mining Department has submitted that the penalty amount is Rs.2,55,040/-.

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.2,55,040/- within five months in five 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. 10,00,000/- 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.

9. Pending interlocutory application(s), if any, shall also stand disposed of.

(Sandeep Kumar, J)

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