

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1488 of 2025

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

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Sushil Kumar Yadav S/o Sri Gonu Yadav R/o Village- Karnpur, P.S.-
Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Bihar
2. The Additional Chief Secretary, Department of Mines, Government of Bihar,
Patna Bihar, Patna
3. The District Collector/ District Magistrate, Madhubani Madhubani
4. The Mineral Development Officer, Madhubani Madhubani
5. The Mines Inspector, Madhubani Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Sr. Advocate Mr. Sandeep Kumar, Advocate.
For the Resp-State	:	Mr. Sarevesh Kumar Singh, AAG-13
For the Res. Nos. 4 & 5	:	Mrs. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-11-2025 Heard learned senior counsel appearing on behalf of

the petitioner as well as learned counsel for the respondents.

02. The petitioner has filed the present writ petition
seeking following relief(s):

*“(i) For issuance of an order, direction
or writ including writ in the nature of
certiorari quashing the letter- camp/12/M,
dated 22/02/2025 written by the mines
inspector Madhubani to the officer- incharge
Lakhnour Police Station Madhubani by which
the six wheeler hydraulic tipper bearing no
BR32GB6559, chasis no
MB1GSGCC7NRPE6413, Engine (sic.) No.*



H4E6T15 has been seized.

ii) For issuance of an order, direction or writ including writ in the nature of certiorari quashing the memo no 1296 dated 5/6/2025 by which the appeal preferred by the Petitioner against the order of the mining inspector dated 22/2/2025 has been dismissed.

(iii) For issuance of an order, direction or writ including writ in the nature of certiorari quashing the order contained in memo no 386 dated 9/6/2025 by which the mineral development officer, Madhubani directed the Petitioner to deposit a sum of rupees 8,34,558/-in the district mining office, Madhubani in compliance of the order of the collector Madhubani dated 5/6/2025.

(iv) For issuance of an appropriate declaration holding that Petitioner is not liable to pay any penalty and his vehicle has been illegally seized without any valid reason.

(v) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.”

03. In the counter affidavit filed on behalf of respondent nos. 3 to 5, it has come that the petitioner has been imposed penalty of Rs. 8,34,558/- for illegal transportation of sand.

04. Learned senior counsel appearing on behalf of the



petitioner submits that the aforesaid penalty of Rs. 8,34,558/- has been imposed without issuing any show-cause notice and without hearing the petitioner.

05. Learned counsel for the Mining Department has relied upon her counter affidavit to justify the action of the department but has not been able to show any material in support of her contention.

06. The imposition of penalty without hearing the petitioner cannot be sustained since it violates principles of natural justice.

07. The impugned penalty is set aside/quashed with liberty to the Mining Department to proceed against the petitioner, in accordance with law after giving proper show cause and personal hearing to the petitioner.

08. Since no useful purpose will be served in keeping the vehicle seized which results in wastage of national property, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai vs. State of Gujrat* reported in *2002 (10) SCC 283*, during pendency of the matter before the Mining Officer, the vehicle in question bearing registration number- BR32GB6559 shall be released in favour of the petitioner with the following



conditions:

(i) The petitioner shall furnish all the necessary papers/documents of ownership and security bond/indemnity bond (not bank guarantee) equal to Insured Declared Value (IDV) of the vehicle in question as on date to the satisfaction of the concerned/competent authority.

(ii) The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred/sold in favour of any third party during the pendency of the proceeding and that the vehicle in question, shall be produced as and when called upon or required in the proceeding or otherwise.

09. The Mining Officer will proceed against the petitioner expeditiously and the petitioner will co-operate in the proceedings before the Mining Officer. If the petitioner does not co-operate with the Mining Department, the Mining Department will proceed *ex parte* against the petitioner.

10. Accordingly, the present criminal writ petition stands disposed of with the aforesaid direction.

(Arun Kumar Jha, J)

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