

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12995 of 2025

Subhash Kumar Mehta S/O Chhote Lal Mehta, R/o Village- Bahradih
Unanchas, P.S. Domchok, District- Kodarma, Jharkhand, (Owner of Truck
No. JH02BQ8194 and JH02BQ-8294)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nawada.
3. The Superintendent of Police, Nawada.
4. The District Mining Officer, Nawada.
5. The Mining Inspector, Nawada.
6. The SHO, Rajauli Police Station, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Respondent/s : Mr.Additional Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner; learned
counsel for the State and learned counsel for the Mining
Department.

2. This writ petition has been filed for the following
reliefs:-

*1). For setting aside the Confiscation Order
Memo No. 666/बिधि/नवादा dated
10.03.2025 passed by the Collector,
Nawada, by which the Collector-cum-
District Magistrate, Nawada has passed
the order to filed show cause as to why the
seized vehicles could not be confiscated
under the provisions of the Bihar Minor
Mineral Concession Rules, 2017 and*



Bihar Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2019;

II. For issuance of a writ of mandamus and any other appropriate writ/writs, order/orders and direction/directions to the concerned respondent's authority to release the vehicles (Truck) of the Petitioner's bearing Regd. No. JH02BQ8194 and JH02BQ8294 in favour of the petitioner;

III. For further direction to the concerned Respondent's authority not to confiscate and auction the vehicles till the disposal of this writ petition;

IV. For further direction to waive/slash the penalty imposed upon the owners of the vehicle as his vehicles were valid challan for carrying the goods, in spite of the fact that no minerals were loaded on the Trucks at the time of seizure.

3. The fact of the case is that on 20.12.2024, a raid was conducted based on secret information and nine vehicles including trucks and Hyvas were seized under the allegation of illegal transportation of soil and on that basis, a criminal case was registered as Rajauli P.S. Case No. 595/2024 under Sections 303(2), 317(2), 111(2) of Bharatiya Nyaya Sanhita (BNS), 2023 against the owner, drivers and Khalasi of the Vehicles.

4. It is submitted by learned counsel for the petitioner that the petitioner has prayed for their immediate release as the



vehicles bearing Registration Nos. JH02BQ8194 and JH02BQ8294 are lying in under open sky and the efficiency of the vehicle is deteriorating day by day even though these trucks were not involved in the illegal activities. He further submits that the impugned order was passed without issuing any show-cause notice or granting a personal hearing.

5. The learned counsel for the petitioner has also relied upon judgment of the Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujarat, (2002) 10 SCC 283* and also the judgment of this Court passed in the case of *Krishna Kumar Singh v/s State of Bihar, 2022 SCC OnLine Pat 2057*.

6. The Mining Department vide letters dated 31.01.2025 had imposed a fine on the aforesaid trucks which is as under:

Registration No	Fine imposed
JH02BQ8194	Rs. 8,91,482/-
JH02BQ8294	Rs. 8,97,857/-

7. The learned counsel for the Mines Department has submitted that confiscation proceedings has been initiated against the petitioner, but he has not appeared before the authority. He further submits that the petitioner should



participate in the confiscation proceeding.

8. In these circumstances, the writ application is disposed of with liberty to the petitioner to participate in the confiscation proceeding pending before the authority concerned.

9. Since no fruitful purpose will be served in keeping the vehicles seized, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujrat (Supra)***, during pendency of the matter before the concerned authority, the vehicles in question bearing Registration Nos. JH-02-BQ-8194 and JH-02-BQ-8294 shall be released in favour of the petitioner with the following conditions:

(i) *The petitioner shall furnish a security of Rs. 9 lakhs for each vehicle before the concerned/competent authority before whom the confiscation proceeding is pending.*

(ii) *The petitioner shall furnish all the necessary papers/documents of ownership before the concerned competent authority.*

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

(iv). *If any jurisdictional objection is taken by the petitioner that*



shall also be considered by the authority concerned. The petitioner will also co-operate with the authorities till disposal.

7. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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