

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1714 of 2024

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

Chandan Kumar, Saw Son of Jugal Saw Resident of Nawalsahi, Markacho,
Koderma, P.S. - Nawalsahi, District - Koderma, Jharkhand - 825418

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar
2. The Additional Chief Secretary cum Mines Commissioner, Patna, Bihar
3. The District Magistrate cum Collector, Banka, District - Banka, Bihar
4. The District Mining Officer, Banka, District - Banka, Bihar
5. The Mines Inspector, Banka, District - Banka, Bihar
6. The Station House Officer, Bounsi Police Station, District - Banka, Bihar
7. The District Transport Officer, Banka, District - Banka, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rounak Sinha, Advocate
For the Respondent/s : Mr. Md. Rashid Haque, SC-10

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 25-02-2025 1. The petitioner has invoked Constitutional Writ

Jurisdiction of this Court under Article 226 of the Constitution
of India for the following reliefs: -

*i. For issuance of appropriate writ
(s), order(s), direction(s) in the nature of
mandamus directing and commanding the
Respondent Authorities to release the vehicle
bearing registration no. JH-12E-7067, in
favour of the Petitioner, which is seized by the
Respondent No.5 on dated 12.05.2024 and
further kept the seized vehicle under the
custody of Respondent No.6 under actions*



prescribed in Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021.

ii. For issuance of appropriate writ (s), order(s), direction(s) in the nature of mandamus directing and commanding the concerned Respondent Authorities to cancel/quash the proceedings initiated against the Petitioner by the Respondent No.5 as per the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021.

iii. Issue an appropriate writ, order, or direction to quash the penalties/fines imposed by the Respondent Authorities, including but not limited to the challan στη dated 14.05.2024 and the e-challan dated 29.05.2024, on the grounds of serious procedural violations envisaged under Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021.

iv. Issue an appropriate writ, order, or direction to award the compensation of Rs.5 Lakhs to the Petitioner for getting deprived of his right of livelihood guaranteed under Article 21 of the Constitution of India due to egregious act of the concerned Respondent Authorities/I

v. Pass any other order(s) or direction(s) that this Hon'ble Court deems fit



and proper in the interest of justice.

2. It is alleged by the petitioner, claiming to be the owner of a truck, bearing Registration No. JH-12E-7067, that he authorized his driver to transport 600 cft. of stone chips from M/s Shiv Sakti Stone Industries, Radhanagar, district – Pakur in the State of Jharkhand for delivery to one Manoj Tripathi at Prayagraj in the State of Uttar Pradesh. For transportation of the aforesaid stone chits, transport challan was issued on 7th of May, 2024 to be valid till 14th of May, 2024.

3. It is contended on behalf of the petitioner that the respondent illegally seized the said truck on the ground that it was carrying more stone chips than the permissible limit. The petitioner denied the said fact and submitted a representation on 16th of May, 2024, annexing copy of challan, road permit and kanta slip (weighing slip) etc., contending, inter alia, that the said vehicle was not overloaded. In spite of such representation, the District Transport Officer, Banka imposed penalty of Rs. 51,500/- upon the petitioner. In addition to such penalty, a demand of Rs. 2,63,750/- was made on 29th of May, 2024 through e-challan on the ground that the vehicle was unduly and unauthorizedly detained within the territory of Bihar in violation of e-challan.

4. The Respondent No. 4 has filed a counter affidavit,



denying allegations made by the petitioner against the Respondents. It is the case of the Respondents that e-challan of the concerned vehicle was issued on 7th of May, 2024 at 11.50 a.m. and it was valid till 14th of May, 2024 at 04.50 a.m. However, the said truck was intercepted within the jurisdiction of P.S.-Banka in the district of Bihar on 14th of May, 2024, when the truck was about 700 kms. away from Prayagraj. Therefore, the truck was intercepted and seized for violation of the stipulated time period recorded in e-challan as the truck was scheduled to reach at Prayagraj on 14th of May, 2024 at about 04.00 a.m.

5. The case of the petitioner, on the other hand, is that the truck was seized for overloading which is practically not the case for detention and seizure of the truck.

6. The learned Special P.P., Mines counters the case of the petitioner, submitting that the vehicle was within the jurisdiction of Bihar on 14.05.2024 when it ought to reach Prayagraj for delivery of stone chips. Therefore, fine has been imposed upon the petitioner and he was called upon to compound the case on payment of fine and penalty.

7. I have considered the case and counter case made out by the petitioner and the respondents and found that as the



respondents failed to prove overloading against the said truck, the petitioner is not liable to pay penalty of Rs. 51,500/-. However, for violation of e-challan, the petitioner is liable to pay fine amount of Rs. 2,63,750/- to the respondent authorities.

8. The respondent authority is directed to release the truck on receiving the fine amount.

9. With the aforesaid direction, the instant petition stands disposed of, on contest, however, without costs.

(Bibek Chaudhuri, J)

skm/-

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