

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13559 of 2025

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Rambachan Ram @ Ram Bachchan Ram Son of Suresh Ram, Resident of
village- Mangaso, Post- Argali, P.S.- Dhanwar, District- Giridih, (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Mines and Geology Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada, Bihar.
4. The Superintendent of Police, Nawada.
5. The Mines Inspector, Mines and Geology Department, Nawada, Bihar.
6. The S.H.O. Muffasil, Police Station, Nawada, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, /Advocate
For the State : Mr. Mujtabaul Haque, GP-12
Mr. Vasant Vikas, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has moved the Court for the
following reliefs:

*“i) For issuing a writ of Certiorari or
any other appropriate writ quashing the illegal
seizure of the Vehicle of the petitioner bearing
registration number-JH11N-8966 which has been
illegally seized on 16/05/2025 by the respondents
and no document regarding aforesaid seizure has
been provided.*

(ii) For issuance of a writ of Mandamus



directing the immediate release of the seized vehicle without following due process of law

iii) For directing an independent inquiry of the illegal and coercive actions of the police officials of Mufassil Police Station, Nawada as well as officials of the Mining department, Nawada.

3. In the counter affidavit, it has come that the petitioner has been imposed penalty of Rs. 8,77,404/- for illegal transportation of stone chips.

4. Learned counsel for the petitioner submits that this penalty has been imposed without issuing any show cause notice and without hearing the petitioner.

5. Learned counsel for the Mining Department has relied upon his counter affidavit but has not been able to show any material to support as to whether the petitioner was issued any show cause notice or was heard in the matter.

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

7. 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.

8. Since no fruitful purpose will be served in keeping



the vehicle seized, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujrat** reported as **2002 (10) SCC 283**, during pendency of the matter before the Mining Officer, the vehicle in question bearing registration number-JH11N-8966 shall be released in favour of the petitioner with the following conditions:

(i) The petitioner shall furnish a security of Rs. 8,50,000/- 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 vehicle, 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.

9. 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. This writ petition is disposed of with the aforesaid directions.

(Sandeep Kumar, J)

P. Kumar

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