

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13114 of 2024

Vinay Kumar Son of Vijay Kumar Singh Resident of Village- Darana Tola
Dhan Chhuhan, P.S. and District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Mining and Geology Department, Govt. of Bihar, Patna.
2. The Secretary, Road and Transport Department, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Director, Department of Mining, Government of Bihar, Patna.
5. The Assistant Director, Department of Mining, Rohtas, at Sasaram.
6. The Mining Inspector, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rishikesh Ojha, Advocate
For the State	:	Mr. K. P. Gupta, GP 10 Ms. Deepanjali Gupta, AC to GP 10
For the Mines	:	Mr. Naresh Dikshit, Advocate Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 07-01-2025

Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State as well as
Mines Department.

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

i. For issuance of direction to the respondent authorities to release the petitioner's truck (16 wheeler) bearing Registration No. BR-03GB-8367 which has been seized vide Seizure Memo contained in Letter no. Camp 01 dated 08.06.2024 on the allegation of overloading only which is less than 5 % permissible load of the over and above the permissible load.



ii. For any other relief/reliefs for which the petitioner may be deemed entitled to.

3. Learned counsel for the petitioner submits that the petitioner has filed application before Respondent Nos. 5 & 6 stating therein that the total weight of the vehicle is 47500 kg and as per the seizure memo it was found to be 48775 kg.

4. A counter affidavit has been filed on behalf of the Respondent Nos. 3 & 5 stating therein that as per the weighbridge management receipt, the vehicle in question has been found of 48775 kg which is beyond the axel load/permissible laden capacity of the vehicle and on the aforesaid sole ground, the petitioner’s vehicle was seized.

5. Learned counsel for the State further referring the counter affidavit and stating that after the institution of the prosecution, the compound offence committed in contravention of the rule, on payment of cost of mineral and compound fee as mentioned below:-

Sl. No.	Vehicle/Equipment	Compound fee (in Rs.) per unit.
1.	Tractor trolley	25,000/-
2.	Matador/Half truck 407,608	50,000/-
3.	Full body truck/Dumper (hydraulic 6 wheeler vehicle)	1,00,000/-
4.	10 or more than 10 wheeler vehicle	2,00,000/-
5.	Crane, Excavator, Loader, Power hammer, Compressor, Drilling machine etc.	4,00,000/-



6. He further submits that the petitioner's vehicle was seized for transporting overload sand illegally and the petitioner has not deposited the compounding fee/penal amount of Rs. 3,06,767/- (Rs. Three lakhs six thousand seven hundred and sixty seven).

7. In view of the stand taken by the Respondent Nos. 3 & 5, learned counsel for the petitioner outrightly submits that the petitioner is ready to deposit the aforesaid compounding fee/penal amount of Rs. 3,06,767/- in six equal monthly installments.

8. In view of the stand taken by the learned counsel for the petitioner, the petitioner is directed to deposit the first installment along with an affidavit stating therein that the petitioner is ready to pay the compounding fee/penal amount in six equal monthly installment before the authority concerned and if the petitioner files an affidavit along with first installment, then the authority concerned is directed to release the vehicle in question in favour of the petitioner. Further, if the petitioner fails to pay rest of the monthly installment as mentioned aforesaid, then the authority concerned is at liberty to take appropriate action in accordance with law.



9. With the aforesaid direction/liberty the writ
petition stands disposed of.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.01.2025
Transmission Date	NA

