

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14277 of 2025

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Manoj Singh S/o Bal Karan Singh, R/o Gayatri Nagar Malahiya, Post-Ramna, Varanasi, Varanasi. Uttar Pradesh-221005.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar. Patna
2. Secretary cum Commissioner, Mines and Geology Department, Govt. of Bihar, Patna.
3. The District Magistrate Kaimur (Bhabua), Bihar
4. The Superintendent of Police, Kaimur (Bhabua). Bihar
5. The Officer-in-Charge Mohania Police Station, District Kaimur (Bhabua)
6. The District Mining Officer, Kaimur (Bhabua), Bihar
7. The Mining Inspector, Kaimur (Bhabua), Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Shanu, Advocate
For the Respondent/s : Mr. Government Pleader (27)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned Special Public Prosecutor for the Mining Department.

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

(i) For issuance of an appropriate writ/s, order's or direction's, particularly in the nature of writ of MANDAMUS, commanding and directing the Respondent Authorities for provisional release of the petitioner's truck bearing Registration No. BR24GD3277, Engine No. 52C95510298 and Chassis No. MAT828048SAD06697 which was



seized on 28.07.2025 in Mohania PS Case No. 648/2025 dated 28.07.2025.

(ii) For issuance of an appropriate writ/s, orders/s or direction/s, particularly in the nature of writ of CERTIORARI for quashing the seizure list dated 28.07.2025 in Mohania PS Case No. 648/2025 dated 28.07.2025 prepared by the Respondent no. 7 whereby and where under the 18 wheels truck bearing Registration No. BR24GD3277, Engine No. 52C95510298 and Chassis No. MAT828048SAD06697 along with the Gravel (Gitti) which was seized on the grounds that the illegal Gravel (Gitti) was being transported illegally and causing loss to the state exchequer.

3. A counter affidavit has been filed, from which it appears that a penalty of Rs. 8,94,988/- has been imposed upon the petitioner by the Mining Officer. The petitioner is required to appear before the Mining Officer and file his show-cause reply.

4. Learned counsel for the petitioner submits that the petitioner was not afforded an opportunity of hearing before imposition of the penalty.

5. Learned counsel for the Mining Department submits that though the fine amount has been calculated, the



petitioner shall be heard, and thereafter a final order shall be passed by the District Mining Officer, Kaimur at Bhabhua.

6. In the aforesaid circumstances, this application is disposed of with liberty to the petitioner to file his show-cause reply before the District Mining Officer, Kaimur at Bhabhua, who shall provide a proper opportunity of hearing to the petitioner before passing the final order.

7. 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 Gujarat*** reported in ***2002 (10) SCC 283***, during pendency of the matter before the concerned authority, the vehicle in question bearing registration number BR-24GD-3277 shall be released in favour of the petitioner with the following conditions:-

(i) That the petitioner shall furnish a security of Rs. 9 lakhs before the authority concerned before whom the confiscation proceeding is pending.

(ii) The petitioner shall furnish all the necessary papers/documents of ownership before the concerned/competent authority at the time of release of his vehicle.

(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 appeal and that the vehicles, in question, shall be produced as and when called upon or required in the confiscation proceeding or otherwise.

(iv) If any jurisdictional objection is raised by the petitioner, the same shall also be considered by the authority concerned. The petitioner shall co-operate with the authorities till the disposal of the matter.

8. This application is disposed of with the aforesaid directions.

(Sandeep Kumar, J)

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