

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2557 of 2025

Arising Out of PS. Case No.-595 Year-2024 Thana- RAJAOLI District- Nawada

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Sujeet Kumar Saw @ Sujeet Kumar Sahu @ Sujit Kumar Sahu Son of
Brahamdeo Prasad Sahu @ Brahmddeo Saw Resident of Village - Dhanwar,
P.S. and District - Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Addl. Chief Secretary, Mines and Minerals
Department Govt. of Bihar Patna, Bihar
2. The Superintendent of Police, Nawada Bihar
3. The District Transport Officer, Nawada Bihar
4. The Incharge of Police Station - Rajaoli Bihar
5. The Mining Development Officer, Nawada Bihar
6. The District Mineral Development Officer, Nawada Bihar
7. District Magistrate, Nawada Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Adv.
For Mines Dep.	:	Mrs. Kalpana, Adv.
For the Respondent/s	:	Mr. Ajay, G.A. 5
		Mr. Akash Raj, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 01-12-2025

Heard learned counsel for the petitioner; learned
counsel for the State and learned counsel for the Department of
Mines.

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

*(I) For issuance of a writ, order or direction
in the nature mandamus commanding the
concerned Respondent authorities to release
the vehicle i.e., a Truck bearing registration
No. BR27E-9537 in favour of the petitioner,*



which is seized in connection with the Rajaoli P.S. Case No. 585 of 2024, dated 20.12.2024 for the offences punishable under Sections 303(2), 317(2), 111(2) of the B.N.S.S., 2023.

(ii) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.

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, Rajauli P.S. Case No. 595/2024 was registered under Sections 303(2), 317(2), 111(2) of Bharatiya Nyaya Sanhita (BNS), 2023 against the owner, driver and *khalasi* of the Vehicles. The truck of the petitioner bearing Registration No.-BR27E-9537 was also seized in the alleged occurrence.

4. Learned counsel for the petitioner submits that the petitioner is *bona fide* owner of the Truck bearing Registration No.-BR27E-9537 and prays for its immediate release as his vehicle is lying under open sky and the efficiency of the vehicle is deteriorating day by day even though the vehicle was not involved in the illegal activities. He further submits that at the time of seizure, the vehicle of the petitioner was having a valid challan still his vehicle was seized by the mining department.

5. This contention of the learned counsel for the



petitioner is vehemently opposed by the learned counsel appearing on behalf of the Department of Mines and she submits that no challan was produced at time of seizure of the vehicles and even the driver fled away from the spot. Learned counsel further submits that a fine of Rs. 8,70,550 has been imposed upon the vehicle bearing Registration No.-BR27E-9537. Learned counsel further submits that confiscation proceedings has been initiated against the petitioner, but he has not appeared before the authority. She further submits that the petitioner be directed to participate in the confiscation proceedings.

6. Since no fruitful purpose would 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 Gujarat***, reported in ***(2002)10 SCC 283*** during pendency of the matter before the concerned authority, the vehicle in question bearing Registration No. BR27E-9537 is directed be released in favour of the petitioner subject to the following conditions:

- (i) The petitioner shall furnish a F.D. of Rs.9 lakh of a nationalized bank as security money for the vehicle bearing Registration No. BR27E-9537 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 vehicle, 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.

7. In these facts and circumstances and with the aforesaid direction, the writ application is disposed of with liberty to the petitioner to participate in the confiscation proceeding pending before the authority concerned.

8. The petitioner will cooperate with the authorities. If the petitioner does not cooperate with the Mining Department, the Mining Department will proceed *ex-parte* against the petitioner.

9. With the aforesaid observation and direction, the present petition is disposed of.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.12.2025
Transmission Date	02.12.2025

