

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16420 of 2025

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Ranjeet Kumar S/o Kailash Prasad, Resident of Village- Bharosa Tola Isri,
P.S.- Muffasil, Post- Oraina, District- Nawadah, Pin- 805123.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Nawadah, Bihar.
3. The Mining Officer, Mines and Geology Department, Nawadah.
4. The Director Mines and Geology Department, Govt. of Bihar, Patna.
5. The Inspector of Police, Rjauli, Nawadah.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate
For the State : S.C.-23
For the Mining Department: Mr. Naresh Dikshit, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 27-11-2025

Heard learned counsel for the petitioner, learned
counsel for State and learned counsel for the Mining
Department.

2. By way of this writ petition, the petitioner
has prayed for the following reliefs:-

- i. *For issuance a writ of certiorari or any
other appropriate writ quashing the
illegal seizure the petitioner's vehicle
bearing registration number BR27G-6800
seized on 12.04.2025 at about 6.00 AM in
the morning and the arbitrary fine of Rs.
8,78,679/- (Eight lakhs seventy eight
thousand six hundred and seventy nine)*



imposed on 14.05.2025.

- (ii) For issuance of writ of mandamus directing the immediate release of the petitioner's seized vehicle, as its prolonged seizure is causing significant financial distress.*
- (iii) For granting interim relief by directing the release of informant's vehicle during the pendency of this writ petition.*
- (iv) For directing an independent inquiry into the illegal and coercive actions against the Inspector of Police, Rajauli, Nawadah as well as the officials of Mining Department.”*

3. The main contention of learned counsel for the petitioner is that the penalty has been imposed upon the petitioner without issuing show cause notice to him and without affording an opportunity of being heard.

4. Learned counsel for the Mining Department has vehemently opposed the prayer of the petitioner and has submitted that though the petitioner has not been heard before imposing the penalty of Rs.8,78,679/- but he shall be given a chance of hearing if the matter is remanded back. He has further submitted that no interim order for release of the vehicle may be passed in favour of the petitioner.

5. From the arguments of learned counsel for



the parties and on perusal of the record, it appears that the petitioner was neither issued notice nor was heard before imposing the aforesaid penalty, which violates the principles of nature justice. The doctrine of *audi alteram partem* has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely, must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.

6. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of ***S.N. Mukherjee vs. Union of India*** reported as (1990) 4 SCC 594 and in the case of ***Kranti Associates (P) Limited vs. Masood Ahmed Khan*** reported as (2010) 9 SCC 496, the penalty imposed upon the petitioner without issuing show-cause notice and not affording him an opportunity of hearing cannot be sustained.

7. Accordingly, the penalty issued vide e-challan dated 14.05.2023 for an amount of Rs.8,78,679/- against the petitioner is hereby quashed and set aside. The matter is



remitted to the concerned respondent authority for passing a fresh order in accordance with law after affording an opportunity of hearing to the petitioner.

8. Considering the fact that no fruitful purpose will be served in keeping the vehicle of the petitioner seized and also 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* and also the decision of the Division Bench of this Court in *L.P.A. No.1637 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)*, the vehicle of the petitioner bearing registration No. BR27G-6800 be released in favour of the petitioner, subject to the following conditions:-

- i. *The petitioner shall furnish a security of Rs.9,00,000/- (not in the form of bank guarantee) 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/sold in favour of any*



third party during the pendency of the confiscation 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. The petitioners will also cooperate with the authorities till the final disposal of the proceeding.

9. With the aforesaid observations and directions, this writ petition is allowed.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	28.11.2025
Transmission Date	28.11.2025

