

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2364 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Buxar

Devendra Prasad Son of Sri Baban Prasad Resident of Village- Ahirauli,
Buxar, P.S.- Buxar Industrial, Dist.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar Bihar
2. The District Magistrate, Buxar, Bihar Patna
3. The Commissioner-cum- Additional Chief Secretary, Mines and Geology
Department, Govt. of Bihar Patna, Bihar
4. The Special Secretary-cum-Director, Mines and Geology Department, Bihar
Patna
5. The District Mining Officer, Buxar, Bihar Patna
6. The Mines Inspector, District Mines Office, Buxar, Bihar Patna
7. The Superintendent of Police, Buxar Bihar
8. The Station House Officer of Buxar Town P.S., Buxar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar, Advocate
Mr. Sheo Jee Mishra, Advocate
For the Respondent/s : Mr. Naresh Dikshit, G.P.27

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

4 25-02-2025 This is an application under Article 226 of the

Constitution of India, whereby and whereunder the petitioner

has prayed for following reliefs:-

“Issuance of a writ/writs/order/orders/
direction/ directions in the nature of mandamus
commanding the respondent authorities to released
the Truck bearing its No. BR44G-9810 loaded with
sand immediately as the same has been stopped in
contravention of the procedures established by the
law.

II. Issuance of a appropriate direction/



directions to release the aforesaid truck as there is no illegality on the part of the petitioner regarding the vehicle/truck in question.

III. Issuance of any other relief/reliefs for which the petitioner is entitled to in the eye of law.”

2. It is the case of the petitioner that the petitioner is the owner of the truck bearing No.BR44G9810. The said truck was engaged in transporting sand from Rohtas Sone Block-I to a place called Mau in the State of U.P. on the basis of an e-challan valid from 07.09.2024 to 08.09.2024. While transporting sand, the petitioner's truck suffered mechanical damage near Bihari Rice Mill on Dinara Dhansoi State Highway at about 09:32 p.m. on 07.09.2024. It is also stated by the petitioner that axle of the said truck was broken for which it was detained by the side of the Highway. The driver of the truck changed the axle of the said truck and started for the destination on 10.09.2024. However, the said truck was detained by the Inspector of Mining Department near Buxar Golambar at about 11:00 p.m. As the period of e-challan expired, the truck was seized and a proceeding was drawn up against the petitioner by the concerned Authority.

3. The petitioner submitted series of representations to the District Mining Officer as well as the District Magistrate,



Buxar stating the said fact of mechanical damage of the vehicle and unintentional lapse of e-challan but the concerned Authority did not release the said truck as yet. So is the instant writ petition.

4. A counter affidavit has been filed on behalf of the respondent Nos. 5 & 6, the District Mining Officer and Mines Inspector, Buxar stating, inter-alia, that the Mines Inspector inspected the seized truck on 10.09.2024 at 10:30 p.m. near Buxar Golambar and took custody of the said truck and seized the same for illegal transportation of sand on the basis of an expired challan. Since, petitioner's vehicle was being driven loaded with sand without any challan, the petitioner contravene relevant Rules of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 as amended in 2021. After the seizure, the petitioner's vehicle was handed over to the District Transport Officer for safe custody.

5. Since, the petitioner's truck was seized more than 30 days before. There is no other alternative for the petitioner but to approach before the Collector, Buxar praying for release of the vehicle on depositing compounding fee/penalty amount.

6. Since, the Collector, Buxar is the appropriate authority to decide the issue, the instant writ petition is disposed



of giving liberty to the petitioner to move the Collector, Buxar for return of the vehicle as per the relevant Rules and in the event of such application being filed by the petitioner, the Collector, Buxar shall take all endeavor to dispose of the same within 60 days from the date of communication/receipt of this order.

7. Accordingly, the instant writ petition is thus, disposed of.

(Bibek Chaudhuri, J)

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