

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17443 of 2025

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Sumit Kumar Singh Son of Late Umesh Prasad Singh, Resident of village-
Mahua Singhrai, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The District Magistrate-cum-Confiscating Authority, Vaishali at Hajipur.
3. The Sub-Divisional Officer, Hajipur, District- Vaishali.
4. The District Mining Officer, Vaishali at Hajipur.
5. The Minerals Development Officer, Vaishali, Hajipur.
6. The Officer-in-Charge, Rajapakar Police Station, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Tiwari, Advocate
		Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mr. Majid Mahboob Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-12-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has been imposed penalty of Rs. 10
lakhs.

3. The following prayer has been made in the writ
petition:-

*‘ i) For issuance of an appropriate Writ/Writs,
direction/directions or orders/order especially in the
nature of Certiorari, to set-aside the order of seizure and
confiscation dated 08.09.2025 of the petitioner's JCB
Vehicle bearing Registration No. BR31GC 3266, Engine
No. H00421336, Chassis No. HAR3DX54H03387160,*



seized in Raja Pakar P.S. Case No. 178 of 2025.

(ii) Issue an appropriate writ/order/direction for release of the petitioner's JCB Vehicle bearing Registration No. BR31GC/3266, Engine No. H00421336, Chassis No. HAR3DX54H03387160, seized in Raja Pakar P.S. Case No. 178 of 2025, in favour of the petitioner.

(iii) Hold and declare that the seizure and continued detention of the petitioner's JCB is illegal, arbitrary and violative of the petitioner's fundamental and legal rights guaranteed under Articles 14, 19(1)(g), and 300A of the Constitution of India.

(iv) For issuance of appropriate Writ/Writs, direction/directions or orders/order especially in the nature of Mandamus directing the Respondents that during the pendency of the present writ petition, the Respondents may be restrained from taking any coercive step in pursuance of the proceeding. under the Mines Act against the confiscated vehicle.'

4. From the facts of the case, it appears that the petitioner's vehicle was seized alleging illegal mining and a penalty of Rs. 10 lakh has been imposed upon the petitioner . Thereafter, confiscation proceedings were initiated by the Collector, Vaishali.

5. Learned counsel for the petitioner submits that before imposing penalty, no show-cause notice was issued to the petitioner and he was not given any opportunity of personal hearing i.e. personal appearance.

6. Mr. Naresh Dikshit, learned counsel for the Mines



Department has opposed the prayer of the petitioner and submits that there is no need of issuing any show-cause notice or provide a hearing as the petitioner was given a chance to appear before the confiscating authority to present his case.

7. After considering the submissions of the parties, it is undisputed that the petitioner was neither issued any notice nor heard before the penalty of Rs. 10 lakhs was imposed.

8. In these circumstances, this application is allowed and the penalty of Rs. 10 lakh imposed on the petitioner by the Mining Department is hereby set aside. Consequently, the confiscation proceedings pending before the D.M. Vaishali are also set aside with liberty to the Mining Department to decide the matter afresh in accordance with law i.e. after issuing a proper show-cause notice and after hearing the petitioner.

9. 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 Gujrat*** reported as ***2002 (10) SCC 283***, during pendency of the matter before the concerned authority, the vehicle in question bearing registration number BR31GC3266 Chassis No. HAR3DX54H03387160 shall be released in favour of the petitioner by way of interim relief with the following



conditions:

(i) The petitioner shall furnish a security of Rs. 10 lakhs (not 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 in favour of any third party during the pendency of the proceeding and that the vehicles, 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 petitioner will also co-operate with the authorities till disposal.

10. This application stands disposed of with the aforesaid directions.

(Sandeep Kumar, J)

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