

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.124 of 2024

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Rohit Kumar Son of Satyanarayan Ray, Resident of Village- Akbarpur, Puranidih, P.O.- Akbarpur, Puranidih, Akbarpur, Barari, P.S.- Sabaur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Collector, Jamui.
5. The Superintendent of Police, Jamui.
6. The Mineral Development Officer, Jamui.
7. The Motor Vehicle Inspector, Jamui.
8. The District Transport Officer, Jamui.
9. The Station House Officer, Giddhaur Police Station- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhanshu Trividi, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
For the Mines Department:		Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 04-02-2025

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the Mines Department.

2. The present writ petition has been filed by the petitioner for a direction upon the concerned respondents to release the truck of the petitioner bearing Registration No. BR 09R 8922 seized under the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportatin & Storage Rules, 2021



by Mineral Development Officer, Jamui and SHO, Giddhaur Police Station, Jamui i.e. respondent nos. 6 and 9 respectively.

3. The truck of the petitioner was used for transportation of sand at Jamui District to Darbhanga. On 23.11.2022 when the truck of the petitioner was carrying sand having valid challan issued by the Bihar State Mining Corporation then the truck of the petitioner was stopped between transportation, that too few kilometers away from the Ghat by the aforesaid respondents authority and inspite of showing the challan for carrying sand the officials of Mines and Mineral Department demanded illegal gratification of huge amount which was denied by the petitioner and as such the truck having valid challan for carrying the sand even no documents of seizure were given to truck driver after the truck was seized.

4. Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the judgment dated 09.05.2023 passed in C.W.J.C. No. 1938 of 2023 and judgment dated 15.09.2023 passed in C.W.J.C. No. 3711 of 2023 and submits that the present case may be disposed of in terms of the aforesaid judgments. Learned counsel for the petitioner has relied upon paragraph nos. 7 and 8 of the judgment dated



15.09.2023 passed in C.W.J.C. No. 3711 of 2023, which is quoted hereinbelow:

*“7. It would be worth mentioning here that while dealing with similar matter, the learned co-ordinate Bench of this Court in the case of Ram Chhavila Kumar Vs. State of Bihar and Ors. (CWJC No. 1064 of 2023) has rightly taken note of the observations made by the Hon’ble Supreme Court in the case of **Sunder Bhai Ambalal Vs. State of Gujarat reported in [(2002) 10 SCC 283]** which reads as follows:*

“17. In our view, whatever be the situation, is of no use to keep such seized vehicles as the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the sad vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”

8. Having considered the submissions made on behalf of the parties and taking note of the order/judgment



rendered by this Court in identical matters, prima facie, it appears that keeping the vehicles in question under the open sky to face the vagaries of the weather, would serve no purpose and would only turn them obsolete for any further use and which benefit none rather it would only result in loss. Thus, this Court has no hesitation to allow the present writ application in similar terms of the order dated 09.05.2023 passed in CWJC No. 1938 of 2023.”

5. Having considered the submissions made on behalf of the parties and taking note of the order/judgment rendered by this Court in identical matters, *prima facie*, it appears that keeping the vehicles in question under the open sky to face the vagaries of the weather, would serve no purpose and would only turn them obsolete for any further use and which benefit none rather it would only result in loss. This Court has no hesitation to allow the present writ petition in similar terms of the judgment dated 09.05.2023 passed in C.W.J.C. no. 1938 of 2023 and judgment dated 15.09.2023 passed in C.W.J.C. No. 3711 of 2023. The petitioner file an application for release of his truck bearing Registration No. BR09R 8922 within a period of three weeks from today along with the judgement of this Court, the same shall be



considered and necessary release order would be passed within a further period of three weeks.

6. With the aforesaid observations/directions, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2025
Transmission Date	N.A.

