

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.73 of 2025

Arising Out of PS. Case No.-755 Year-2023 Thana- TEKARI District- Gaya

Shiv Jatan Yadav S/o Late Bijali Yadav R/o vill - Kandi Nawada, P.O. - Bitho Sharif, P.s. - Chandauti, Distt.- gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Mines and Mineral Deptt. Government of Bihar, Patna
2. The District Magistrate, Gaya Bihar
3. The Superintendent of Police, Gaya Bihar
4. The District Mining Officer, Gaya Bihar
5. The Mineral Development Officer, Gaya Bihar
6. The Mines Inspector, Gaya Bihar
7. The Station House Officer, Tekari Police Station, Gaya Bihar
8. The Station House Officer, Panchanpur Outpost, Tekari, Gaya Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar
For the Respondent/s	:	Mr. Naresh Dikshit
		Ms. Shruti Singh
For the State	:	Mr. GA 11
		Mr. Prabhat Kumar AC to GA 11

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-07-2025 Heard the parties including learned counsel for the Mining Department.

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

(i) For issuance of a writ of Mandamus for direction to the respondent authorities to release the vehicle (Tractor and Trailor) Tractor bearing Mahindra 265 DI Bhoomi Putra, Reg. No. BR02AA-3006, Engine No. RENW04048, Chesis



No. RENW04048 and Tractor bearing Reg. No. BR02AA-3007 of the petitioner which have been seized by the informant in connection with Tekari P.S. (Panchanpur O.P.) Case No. 755 of 2023 bearing F.I.R. No. 5109076230755 dated 13.12.2023 registered under Section 379, 411 of Indian Penal Code and under Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 and under Section 56 of Bihar Minerals (Concession and Prevention of Illegal Mining, Transport & Storage) Rules, 2019.

(ii) For issuance of a writ of mandamus for direction to the respondents to release the aforementioned Tractor & Tractor of the petitioner which have been seized under mere suspicion of mining of sand from the Morhar river but the same has not been released by the respondents despite the fact that the petitioner has already been submitted applications stating therein that he is ready to deposit the prescribed fine/penalty with the respondents authorities.

(iii) For issuance of a writ of certiorari for quashing of letter no. 3162 dated 14.11.2024 issued by the District Mining Office, Gaya under signature of the Mineral Development Officer, Gaya whereby it has been held that the petitioner would have to pay Rs. 4,25,196/- as a penalty amount of illegal mining of minerals instead of the prescribed fine/penalty under Rule 56 of Bihar Minerals (Concession and Prevention of Illegal



Mining, Transport & Storage) Rules, 2019 whereby Rs. 25,000/- has been fixed fine/penalty amount for tractor.

3. It has been submitted by the learned counsel for the petitioner that the petitioner is ready to deposit the amount of Rs. 4,25,196/- with the State in six installments as his financial condition has deteriorated due to seizure of this tractor.

4. In the interest of justice, this application is allowed.

5. The petitioner is permitted to pay the amount of Rs. 4,25,196/- in six equal monthly installments. The first installment shall be paid by 20.07.2025 with the Mining Department. After payment of the first installment, the tractor in question i.e. (Tractor and Trailor) Tractor bearing Mahindra 265 DI Bhoomi Putra, Reg. No. BR02AA-3006, Engine No. RENW04048, Chesis No. RENW04048 and Trailor bearing Reg. No. BR02AA-3007 are directed to be released in favour of the petitioner by the Mining Department.

6. The petitioner along with the first installment will also furnish the surety of Rs. 5,00,000/- with the Mining Department and after the aforesaid is done by the petitioner the vehicle shall be released in favour of the petitioner by way of interim measure. The release shall become final after the entire amount is paid in six equal installments.



7. With the aforesaid directions, this application stands allowed.

(Sandeep Kumar, J)

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