

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.22 of 2025

Arising Out of PS. Case No.-8 Year-2023 Thana- BHELDI District- Saran

Jay Prakash Ray Son of Ram Naresh Ray R/o -Village- Lodipur, Chirand, PS-
Doriganj, Distt.- Saran-841211 (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Mines and Geology, Govt. of Bihar Patna
2. The Principal Secretary, Home Department, Government of Bihar, Patna Bihar
3. The District Magistrate, Saran at Chapra Bihar
4. The Superintendent of Police, Saran at Chapra Bihar
5. The Mineral Development Officer, Saran at Chapra Bihar
6. The District Mining Officer, Saran at Chapra Bihar
7. The Officer-in-Charge, Bheldi Police Station, Saran at Chapra Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Singh, Advocate Mr. Meeraj Kumar, Advocate
For the State	:	Mr. Md. Irshad, AC to SC-1
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P. Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 25-03-2025 The petitioner has invoked the constitutional writ jurisdiction under Article 226 of the Constitution of India praying for issuance of a writ in the nature of mandamus commanding the respondents not to take coercive steps against the petitioner in pursuance to Bheldi P.S. Case No.08 of 2023 dated 02.01.2023 under Sections 188, 379, 411 of the I.P.C. and Section 21 of the MMRD Act, 1957 and Rule-56 of the Bihar Minerals (Concession, Prevention of Illegal Mining,



Transportation and Storage) Rule, 2019, Rule-15 of the Bihar Environment Protection Rule, 1986, wherein vehicle of the petitioner bearing Registration No.BR-04 G-1403 has been seized.

2. It is contended on behalf of the petitioner that the petitioner is the owner of a Truck bearing Registration No.BR-04 G-1403, while transporting sand on 02.01.2023 it was seized by the Competent Authority under the Mines Department. It is also contended on behalf of the petitioner that the said vehicle is lying in open sky for last nine months and it is regularly losing its road worthiness due to detention.

3. The learned Advocate on behalf of the petitioner submits that the petitioner is ready to pay the compounding fees that has been/would be settled by the Competent Authority in four installments, subject to the condition that seized vehicle may be released in favour of him. In support of his contention, the petitioner refers to an unreported decision of a Coordinate Bench of this Court in Cr.W.J.C. No.665 of 2023 dated 19.09.2023.

4. Having heard the learned counsels for the parties and on perusal of the judgement passed in Cr.WJC No.665 of 2023 dated 19.09.2023, this Court finds that the Coordinate



Bench on due consideration of the ratio laid down by the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat*, reported in (2002) 10 SCC 283 and *General Insurance Council and Others Vs. State of Andhra Pradesh and Orthers*, reported in (2010) 6 SCC 768 was pleased to release the vehicle on certain conditions.

5. This Court does not see any reason to take a departure from the decision made by the Coordinate Bench in the above-mentioned writ petition. Therefore, this Court directs the learned District Court at Saran, Chapra to release the Truck in favour of the petitioner after verifying the ownership of the same within a period of three weeks from the date of receipt/production of a copy of this order, subject to the following conditions:-

(i) That the petitioner shall furnish adequate bank guarantee of Rs.5,00,000 (Rupees five lakhs) to the satisfaction of the learned District Court.

(ii) That the petitioner will produce the proof of deposit of Rs.1,00,000/- at the time of furnishing bank guarantee;

(iii) That the petitioner shall deposit the rest three installments, as indicated above, positively by 7th day of May, June and July, 2025 and submit the receipts showing such deposit before the learned District Court.

(iv) That before handing over the truck to the



petitioner, a detailed and proper *panchnama* of the said vehicle, after taking its photograph, shall be prepared.

(v) That the petitioner shall also furnish an undertaking on oath that he shall not alienate or part with the ownership of the vehicle, in question, till pendency of the trial.

(vi) In case, the petitioner makes default in the payment of any of the installment, the learned District Court will proceed to en-cash the bank guarantee submitted by the petitioner and will also issue necessary direction to the Mines Department/Police to seize the vehicle, in question.

(vii) That the petitioner shall also furnish an undertaking that if any confiscation proceeding is initiated, he will cooperate in that proceeding and produce the vehicle, in question, as and when required by the confiscation authority.

6. Accordingly, this application is allowed with the aforesaid observation and direction.

(Bibek Chaudhuri, J)

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