

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1375 of 2026

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Sanjay Sahani Son of Jagdish Sahani, Resident of MOhalla- Nimai Trijali-
Jote, Baniakhari Natigora, District- Darjiling, West Bengal- 734010.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kishanganj, Bihar.
2. Commissioner-cum-Principal Secretary, Mines and Geology Department,
Govt. of Bihar, Patna.
3. Special Secretary, Mines and Geology Department, Govt. of Bihar, Patna.
4. The District Magistrate, Kishanganj.
5. District Mines Development Officer, Kishanganj.
6. Mine Inspector, District Mines Office, Kishanganj, Bihar.
7. Officer-in-Charge, Town Police Station, Kurlijote, Kishanganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vikram Singh, Advocate
For the Respondent/s	:	Mr.Sanjay Kumar, AC to SC-8
For the Mines	:	Mr. Naresh Dikshit, Sp. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-04-2026 Heard Mr.Vikram Singh, learned counsel for the

petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*(i) for issuance of an appropriate writ/
order/ direction commanding the
respondents to release the vehicle vide 768
its Registration No. WB76B-1860, Engine
No. 51J842547283 Chasis No.
MAT466388F12981 (Twelve wheeler Truck)*



seized by the Respondent No.4 on 11-10-2023 (Under Bihar Minerals and Concession Prevention and illegal Mining Transportation and Storage) Rules, 2019 'hereinafter referred to as Rules, 2019 as well as Bihar Minerals and Concession Prevention and illegal Mining Transportation and Storage) Amendment Rules, 2021, referred hereinafter Rules, 2021 on the illegal transportation and overloaded by 990 CFT. Stone sand being driven by the driver of the petitioner having behind the back of the petitioner;

(ii) for issuance of an appropriate writ/ order direction commanding the respondent to release the vehicle of the petitioner which has been illegally seized by the Respondent No.4 without following the procedure contained in Rule 2019 and 2021;

(iii) for issuance of an appropriate writ/order/direction commanding the Respondents to release the vehicle of the



petitioner to appropriate security since there is no place available to the Respondents for keeping the seized vehicle in 'SAFE CUSTODY' As per the provision of the Motor Vehicle Act, 1988 Act and Rules;

(iv) for any other relief or relies as Your Lordships may deem fit and proper in the facts and circumstances of the case

3. The petitioner owns the vehicle bearing registration no. WB76B-1860 which was loaded with stone chips and was intercepted while moving from Siliguri (Darjiling district) on 08.10.2023 but ventured into territorial jurisdiction of Kishanganj, Bihar and was seized without even accepting the alibi given by the driver.

4. The submission is that on the day (08.10.2023) it was intercepted, a valid e-challan was there. The submission is that for the last two and half years, the truck is lying under the sky and he is facing economic crisis.

5. Mr. Naresh Dikshit, learned Special P.P. Mines on the other hand has taken this Court to Annexure-P/8 to show that Mineral Confiscation Case No. 84 of 2024 (State vs. Sanjay Sahani) already been initiated by the office of the Collector,



Kishanganj in which the petitioner has never put in his appearance despite the knowledge of the case. He should appear before the concerned Court and pending confiscation proceeding can make an application for release of the vehicle subject to the terms and conditions/fine amount which may have accrued.

6. Learned counsel for the petitioner submits that till now even the fine amount has not been disclosed by the Mining Department nor any document has been sent to him. He has relied on a judgment of Dhiraj Kumar vs. The State of Bihar & Ors (C.W.J.C. No. 1579 of 2022) disposed of on 09.02.2024 to submit that the pending proceeding, the truck can be released.

7. In the aforesaid case of Dhiraj Kumar (supra) the coordinate bench in paragraphs 14 to 17 recorded as under:

14. Further, this Court finds that the vehicle in question is lying in the premises of the police station for last 1½ year and at this stage only a confiscation proceeding has been recommended. This Court has been informed by learned counsel for the State that no confiscation



order has been passed as yet. In such circumstance, a question will further arise whether a confiscation proceeding may at all be initiated in a case where the very seizure of the vehicle is found to have been done without following the established procedure of law. This question would, however, be required to be considered and decided by the Collector who is the confiscating authority under Rule 56 of the Rules of 2019. The petitioner is granted liberty to raise all such issues which are available to him before the Collector in the confiscation proceeding.

15. In view of the conclusion reached by this Court on the basis of the materials on record that the seizure of vehicle in this case has been done without following the



established procedure of law, this Court directs the Collector, Nawada to pass an order for release of the vehicle in question on such terms and conditions which may be found fit to preserve the ongoing confiscation proceeding, however, such conditions shall not be onerous in nature and it should not result in an order that the vehicle remains as it is. For this purpose, an appropriate order shall be passed within two weeks from today.

16. In case, the petitioner challenges the initiation of the confiscation proceeding, the same shall also be decided within eight weeks.

17. Since the seizure of the vehicle has been done in contravention of the procedures established by law,



*for the purpose of release the
petitioner shall not be compelled to
deposit the fine/compounding fee.*

8. Learned counsel for the petitioner submits that in case, he has to pay the fine amount, since the truck has been seized, he is facing the economic crisis, the fine amount be relaxed inasmuch as it be allowed to pay in instalment.

9. This Court has taken note of the facts of the case, the submissions of the parties as also the order passed in Dhiraj Kumar (supra) case the record of the Mineral Confiscation Case No. 84 of 2024 shows that the petitioner has failed to appear before the Collector, Kishanganj. He should appear and prefer proper petition for the release of the vehicle pending confiscation proceeding.

10. The Mines Department is also duty bound to provide all the documents to the petitioner so that he can put forward his view before the concerned Court.

11. Needless to add, when the confiscation proceeding is pending, the petitioner shall be appearing diligently in the case and in the meantime on the terms and conditions to be decided by the Collector, Kishanganj including the fine amount, the truck be released.



8. If the fine amount is high, the Collector, Kishanganj may consider, allowing the petitioner to pay in instalment as admittedly due to non plying of the the truck the stand is that he is facing economic crisis.

9. The writ petition is disposed of.

(Rajiv Roy, J)

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