

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.897 of 2026

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Phagu Roy Son of Shivji Ray, R/O Mubarakpur Krishi Farm, P.S. Sahpur,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. The District Magistrate, Patna
4. The Mineral Development Officer, District Mining Office, Patna
5. The Mining Inspector, District Mining Office, Patna
6. The Officer-in-Charge, Sahpur Police Station, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnikant, Advocate
	:	Mr. Sudhanshu Prakash, Advocate
	:	Ms. Karnika, Advocate
For the State	:	Mr. Standing Counsel (24)
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-03-2026 Heard Mr. Sudhanshu Prakash duly assisted by Ms. Karnika, learned counsel for the petitioner and Mr. Naresh Dikshit, learned Spl. PP Mines beside Ms. Deepika, learned AC to SC-24 representing the State.

2. The present petition has been preferred for the grant of following relief(s):

*“(i) for issuance of a writ in the nature of
"Certiorari" or any other appropriate writ
quashing the illegal seizure of the truck of the*



petitioner bearing Registration No. BR01-GA-5889 which has been illegally seized on 29/04/2025 (Annexure-P/3) by the Respondents, despite having the valid challan and without granting any opportunity of hearing.

(ii) for issuance of a writ of Mandamus directing the immediate release of the seized vehicle which was seized without following due process of law.

(iii) for direction to the respondent authorities to pay compensation to the petitioner for illegal confinement of his commercial vehicle.

(iv) for any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

3. The petitioner owns a Truck bearing Registration No.BR-01GA-5889, it was loaded with sand and the challan was for a period of six hours from 27th April, 2025 (5:11 PM) to 27th April, 2025 (11:11 PM). It was intercepted and seized by the Mining Department on 28.04.2025 and as it was found to have overloaded the truck, the seizure.



4. Aggrieved, the petitioner moved before this Court and the coordinate Bench on 02.02.2026 directed the respondents to release the Truck during the pendency of the present matter. Accordingly, the case of the petitioner is that the Truck has already been released.

5. Mr. Naresh Dikshit, learned counsel representing the Mines Department submits that now the Truck has been released, the petitioner should represent himself before the appropriate authority alongwith the appropriate petition so that further decision can be taken in the matter.

6. This Court is in conformity with the submissions put forward by the learned counsel for the Mines Department. The Truck has been released pursuant to the order passed by the coordinate Bench and now pursuant to the said case/earlier seizure of the vehicle, the petitioner has liberty to approach the concerned authority alongwith proper petition.

7. Learned counsel for the petitioner submits that he shall be diligently appearing before the authority so that appropriate order could be passed. He further undertakes that whenever required, the Truck will be produced and till the matter comes to a conclusion, the Truck will not be alienated.

8. Recording the said commitment made by the



petitioner through his learned counsel, in the presence of learned
State counsel as also the learned counsel representing the Mines
Department, the writ petition is disposed of.

(Rajiv Roy, J)

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