

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1250 of 2026

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Mahateem Prasad Gupta Son of Kanhaiya Lal Gupta, resident of Devakali,
Deokali, Ghazipur, Uttar Pradesh - 233306.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Mines and Geology,
Govt. of Bihar, Patna.
2. The Secretary, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The District Magistrate, Kaimur (Bhabua), Bihar.
4. The Mineral Development Officer, District Mining Office, Kaimur
(Bhabua), Bihar.
5. The Mining Inspector, District Mining Office, Kaimur (Bhabua), Bihar.
6. The Officer-in-Charge, Mohania Police Station, Kaimur (Bhabua), Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnikant, Advocate
	:	Mr. Kumar Harshvardhan, Advocate
For the State	:	Mr. Standing Counsel (13)
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2026 Heard Mr. Kumar Harshvardhan, learned counsel for

the petitioner and Mr. Naresh Dikshit, learned Spl. PP Mines as

also learned State counsel.

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

*“(i) for issuance of a writ in the nature of
Mandamus directing the Respondent authorities
to forthwith release the seized vehicle, namely
Hyva/Truck bearing Registration No.
UP61BT2217, chassis no.*



MAT828025P1B06748, seized in connection with Mohania P.S. Case no.980 of 2025 dated 08.12.2025, despite the existence of valid transit challan and without granting any notice or opportunity of hearing.

(ii) for issuance of an appropriate writ, order or direction, including a writ in the nature of Certiorari, quashing the seizure memo dated 08.12.2025, whereby the aforesaid vehicle has been seized and an amount of Rs.8,97,219/- has been assessed/imposed against the Petitioner, without authority of law and in violation of the principles of natural justice;

(iii) for issuance of a writ directing the Respondents not to keep the petitioner's vehicle in continued and indefinite custody, causing irreparable loss and deterioration, during pendency of proceedings.

(iv) pending final disposal of the present writ petition, direct the Respondents to grant interim release of the vehicle in favour of the Petitioner on furnishing of



bond/undertaking/security, as may be directed by this Hon'ble Court.

(v) for any other relief(s) to which the Petitioner may be found entitled in the facts and circumstances of the case.”

Facts of the Case:

3. The petitioner owns a Truck bearing Registration No. **UP-61-BT-2217**. It was moving from Singrauli, Madhya Pradesh to Rohtas, Bihar with valid challan from **06.12.2025, (09:08:33 AM)** to 09.12.2025 **(05:03:00 AM)**. It was intercepted near Mohania, Bihar and seized on the ground that it has twice crossed the Mohania Toll Plaza.

4. Learned counsel for the petitioner submits that though the said allegation has been made, neither photo nor video footages of the said Toll Plaza have been provided to prove the allegation which actually did not happen. He is ready to satisfy the respondents but in the meantime, the Truck having kept under the sky is losing its utility.

5. Learned Spl. PP Mines submits that if a proper petition is preferred in next three days, the District Mining Officer, Kaimur shall ensure that it is disposed of in a fortnight.

6. On this assurance given by the learned Spl. PP



Mines, the writ petition is disposed of allowing the petitioner to approach the District Mining Officer, Kaimur in next three days who shall ensure that an appropriate order is passed in next fortnight.

7. It is made clear that if the stands of the respondent is/are that the said Truck has twice crossed the Mohania Toll Plaza between the Challan period, the order have the photograph vide footage with date and time and the pen drive showing the video footage of the Truck crossing the said Toll Plaza must be handed over to the petitioner so that he may be able to agitate the matter further, is he so want.

8. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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