

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1323 of 2026**

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Samir Kumar Son of Yogendra Prasad, R/o Village- Daniyawar, Post-  
Daniyawar, P.S.- Daniyawar, District- Patna, Bihar- 801304.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Director, Mines and Geology Department, Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Assistant Director, Mines and Geology Department, Nawada.
5. The Mineral Development Officer, District Mining Office, Nawada.
6. The Mining Inspector, Nawada.
7. The S.H.O. Nemdarganj Police Station, Nawada.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate  
For the Respondent/s : Mr. Naresh Dikshit, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      09-04-2026                      Heard Mr. Shambhu Narayan Singh, learned counsel  
  
for the petitioner and Mr. Naresh Dikshit representing the Mines  
  
Department.

2. The present application has been preferred for the  
following relief(s):

*(i) for issuance of appropriate writ/writs,  
direction/directions and order/orders for  
quashing the illegal seizure of the  
petitioner's vehicle bearing registration no.  
BR-21-GA-7503,                      Engine                      no.*



*ISBE591804081A63659087, and chassis no. MAT541068J1A01899 which is at Serial No. (6) of the seizure memo dated 11.01.2026 which was seized by order dated 11.01.2026 contained in letter no. 01/Kha;*

*(ii) for issuance of appropriate writ/writs, direction/directions and order/orders directing the Immediate release of the petitioner's seized vehicle as its prolonged seizure is causing financial distress;*

*(iii) for issuance of appropriate writ by granting interim relief by directing the release of the petitioner's vehicle during the pendency of this writ petition;*

*(iv) for issuance of appropriate writ/writs, direction/directions and order/orders, which the petitioner is found entitled under the facts and circumstances of the case.*

3. The petitioner is owner of the truck having **Registration No. BR-21-GA-7503** which was carrying stone chips from **Kodarma, Jharkhand** and was to be delivered at Patna City, Bihar. The petitioner contends that the *challan* was



issued by the proper authority at Jharkhand on **11.01.2026 at 08.15.34 PM** and it was valid up to **12.01.2026 at 08.15.3.**

4. The vehicle was intercepted/seized on **11.01.2026 at 10.20 PM** under **Nemdarganj Police Station** in the district of **Nawada** by the Mining officials of Nawada and it records that on demand, no *challan* was produced. Accordingly, following the due process, the truck along with the stone chips were seized.

5. Learned counsel for the petitioner submits that a proper authority issued a *challan*. The admitted fact is that interception took place on 11.01.2026 at 10.20 PM and the stand is that the driver due to fear could not produce the *challan* which followed the seizure.

6. Aggrieved, the writ petition.

7. A counter affidavit has come on behalf of the Mining Department (respondent nos. 3 to 6) and the stand is that it was found to be without any *challan*, intercepted by the Police, checked by the Mining Inspector, Nawada which followed the seizure.

8. The stand is that the *challan* issued/produced has been procured from the authority after the seizure and was not there at the time of interception.



9. Mr. Naresh Dikshit representing the Mining Department submits that the petitioner should have approached the District Mining Officer, Nawada initially before coming to this Court and if he had appeared, immediate step would have been taken to take the matter to its logical conclusion and in any case, within a period of two weeks and not later.

10. This Court has taken note of the facts and the submissions put forward by the parties. The petitioner owns a truck. His stand is that the *challan* issued by the proper authority records the release time as 11.01.2026 (08:15:37 PM). It was valid up till 12.01.2026 (08.06.34 AM). Admittedly, the interception took place on 11.01.2026 at 10.20 PM. On the other hand, the stand of the respondents is that he failed to produce the *challan* which followed the seizure of the truck.

12. This Court in the case of Manoj Kumar Mehta vs. The State of Bihar & Ors. (C.W.J.C. No. 1173 of 2026) disposed of 02.04.2026 took note of the fact that when the interception takes place two different views comes forward before the Court:

*(i) the stand of the Mining Department remains that at the time of interception, no challan was produced;*



*(ii) the stand of the vehicle owner on the other hand remains that it was produced, ignored and seizure took place.*

13. In that background, the following order was passed which has been incorporated in paragraphs 11 to 18 and read as under:

*11. This Court has come across multiple such cases where the same stand is taken by the vehicle owner/Mining Official wherein it is contended that valid challan was produced, still interception/seizure took place whereas the stand of respondents remain that on demand, no paper/challan was produced.*

*12. However, the respondents for the reason best know have chosen not to plug the holes as a result of which the seizures have repeatedly been declared illegal and direction made for the release of the vehicle by successive*



*Courts.*

*13. In this modern era of technology, when everything is available at the drop of the hat, the minimum that is expected from the officials carrying out such exercise is to videograph the entire process from the interception of a vehicle till its seizure as is done in the western countries.*

*14. If such an exercise is undertaken, neither of the parties will have any grievance and/or escape route shall be there with regard to the interception/ demand of papers/ seizure. The authority shall also be free of any charges/allegation that is commonly made by the aggrieved parties that despite the production of all the valid documents including the challan, as the demand sought for was not fulfilled, forcible seizure took place. Their success rate before the Courts*



*shall also improve if through video footage, they are able to prove that the seizure has been made in accordance with law.*

*15. To put the whole cat and mouse game to come to an end, this Court directs the Department of Mines and Mineral, Bihar to issue necessary directions to all its ground officials to ensure that henceforth, the entire process of interception of a vehicle from the time it is intercepted to demand of papers and upon failure to produce the same and/or as vehicle found overloaded etc, the same shall be videographed without any cut and along with the seizure document, the pen drive shall also be handed over and this fact be recorded in the seizure order.*

*16. This exercise is necessary to bring transparency to the whole exercise as*



*also to save the Department from the financial loss as for want of transparency, the whole exercise of seizure of the vehicle comes to zero in most of the cases.*

*17. This transparency is again necessary to bring the litigation down and come to the actual fact on the point whether at the time of interception, the truck/ vehicle was having proper document to ply on the road or not and/or whether it was overloaded or not.*

*18. The order has to be enforced immediately. It has been passed in the presence of Mr. Naresh Dikshit, learned Spl. P.P. Mines who undertakes to communicate the same to the Department forthwith for its compliance.*

14. So far as the present case is concerned, accepting the words of the learned Spl. P.P. Mines, the writ petition is



disposed of allowing the petitioner to approach the District Mining Officer, Nawada within three days and if such petition is filed within the aforesaid time, the District Mining Officer, Nawada shall be duty-bound to pass an order within a period of fortnight thereafter. The short period has been given to the parties on their own undertakings and taking into account the fact that the truck which has been seized is deteriorating under the sky.

15. With the aforesaid observation, the writ petition is disposed of.

**(Rajiv Roy, J)**

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