

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2217 of 2026

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Jayant Kumar Son of Harinath Yadav, Resident of Village- Mahua Singh Ray,
P.S.- Mahua, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary -Cum- Mines Commissioner, Mines and Geology Department. Government of Bihar, Patna.
2. The Director, Mines, Mines and Geology Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Mines Inspector, District Mines Office, Patna.
5. The Senior Superintendent of Police, Patna.
6. The S.H.O., Phulwari Sarif, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Sinha, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Vishwambhar Prasad, AC to AAG-5
For the Mines	:	Mr. Naresh Dixit, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-03-2026 Heard the parties.

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

(i) a writ in the nature of certiorari or any other appropriate writ/s, order/s for quashing the order dated 08.01.2026, contained in Letter No. 01, issued under the signature of Mines Inspector, District Mines Office, Patna, by which the truck of the



petitioner, bearing registration no. BR06GB8166, loaded with sand, has been seized and a penalty of altogether Rs. 9,26,576/- (Rupees Nine lakh Twenty Six thousand Five hundred and Seventy Six) has been imposed on the charge of over loading and the truck has been handed over to the SHO, Phulwari Sarif, Patna, with a request to keep the same in safe custody and release the same only after the order of release, passed by the District Mines Officer..To hold that order dated 08.01.2026, contained in Letter No. 01, issued under the signature of Mines Inspector, District Mines Office, Patna, is illegal, improper and without jurisdiction;

(ii) to release the truck of the petitioner, bearing registration no. BR06GB8166, loaded with sand, in his favour forth with, getting the same weighed, in presence of the petitioner;

(iii) any other reliefs for which the



petitioner is entitled to.

3. The petitioner at the outset submits that he restricts his prayer to the release of the truck with further undertaking that he shall be approaching the appropriate authority for the redressal of the grievance pursuant to the camp letter no. 01 dated 08.01.2026 issued by the Mines Inspector, Mines Office, Patna.

4. The petitioner owns the truck having registration no. BR06GB8166. It was loaded with sand and was moving from Arwal to Darbhanga. It was intercepted near the Mahavir Cancer Hospital, Patna, was found overloaded and accordingly seized with further direction to pay Rs. 9,26,573/-. The petitioner submits that he is ready to give security amount of Rs. 9,26,573/-. and further undertakes not to alienate the truck and produce it as and when required by the respondents. However, keeping it under the sky will further deteriorate the condition of the truck which should not be allowed He has taken this Court to an order of the coordinate bench of the Patna High Court in the case of Kasim Ali & Ors. vs. The State of Bihar and Ors. (CWJC No. 10952 of 2025) has been produced and it is relevant to incorporate paragraph no.9 and 10 which read as under:



“9. Considering the fact that no fruitful purpose will be served in keeping the vehicle of the petitioner seized and also the law laid down by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujrat** reported as **2002 (10) SCC 283** and also the decision of the Division Bench of this Court in **L.P.A. No. 1637 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)**, the vehicle/truck of the petitioners bearing registration No. BR28G5708 be released in favour of the petitioner no.2, subject to the following conditions:-

i. The petitioner no.2 shall furnish a security of Rs.8,50,000/- before the concerned/competent authority before whom the confiscation proceeding is pending.

ii. The petitioner no.2 shall furnish all the necessary papers/documents of ownership before the concerned /competent authority.

iii. The petitioner no.2 shall undertake, in writing, that the vehicle, in question, shall



neither be alienated nor be transferred/sold in favour of any third party during the pendency of the confiscation proceeding and that the vehicle / truck in question shall be produced as and when called upon or required in the proceeding or otherwise.

iv. If any jurisdictional objection is taken by the petitioner no.2, that shall also be considered by the authority concerned. The petitioners will also cooperate with the authorities till the final disposal of the proceeding.

10. With the aforesaid observations and directions, this writ petition is allowed.”

5. Leaned counsel representing the respondents submits that upon interception, the truck was found overloaded and accordingly, an order has been passed. However, now that he has restricted his prayer to the release of the truck and is ready to appear before the appropriate authority, an order can be passed.

6. As seizure has been made. The petitioner is ready to put forward his case before the appropriate authority



alongwith all the supporting documents. However, keeping the truck under the open sky to let it deteriorate should be avoided.

7. This Court has taken note of the order passed (supra) and follows the same.

8. The petitioner has to provide the security of the said amount of Rs. 9,26,573/- whereafter, the truck will be released in his favour. He is duty bound not to alienate the truck and to produce it as and when required by the authorities.

9. The writ petition is disposed of.

(Rajiv Roy, J)

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