

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3644 of 2026

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Vivekanand Kumar Son of Tanik Singh R/o Narhat, P.O.- Narhat, District-
Nawada.

... .. 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, Nawada.
4. The Mineral Development Officer, District Mining Office, Nawada.
5. The Mining Inspector, District Mining Office, Nawada.
6. The Officer-in-Charge, Mufassil Police Station, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnikant, Advocate
For the Respondent/s	:	Mr. Ram Shankar Prasad, AC to GP-14
For the Mines	:	Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 09-07-2026

Heard Mr. Rajnikant, learned counsel for the
petitioner, Ms. Shruti Singh, learned counsel representing the
Mines Department and Mr. Ram Shankar Prasad, AC to GP-14.

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

*“(i) for issuance of a writ in the nature of
Mandamus directing the Respondent authorities to
forthwith release the seized vehicle of the petitioner
namely Hyva/Truck bearing Registration No.
JH01DJ3671, chassis no. MAT466461J3P39273,*



seized in connection with Nawada (Muffasil) P.S. Case no. 35 of 2026 dated 25.01.2026 despite the existence of valid transit challan and without granting any notice or opportunity of hearing; and

(ii) for issuance of a writ in the nature of Mandamus directing the Respondent authorities not to proceed with confiscation of the aforesaid vehicle of the petitioner; and

(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.”

3. The Hyva/Truck bearing Registration No. JH-01-



DJ-3671 was moving with approximately **600 CFT** of **stone chips** from **M/s Balaji Stone Chips, Hazaribagh (Jharkhand)** which was to be delivered at **Mokamah (Patna, Bihar)**. According to the petitioner, the *challan* period was **06:05:32 P.M. (25.01.2026) to 04:56:26 A.M. (26.01.2026)**. It was intercepted within the Nawada jurisdiction on **25.01.2026** at **04:50 hours (afternoon)**. The claim made by the respondent-authorities is/are that the driver escaped from the place without providing the *challan* and it was found to be loaded with stone chips which weigh about 48,600 kilograms. Accordingly, **Mufassil P.S. Case No. 35 of 2026** dated **25.01.2026** was lodged.

4. Multifold submissions have been put forward by the learned counsel for the petitioner as under:

“(i) it was moving with a valid challan;

(ii) the respondents chose not to look into it and seized the vehicle;

(iii) the respondent (Mineral Development Officer, District Mining Office, Nawada) failed to comply with Section 56(4) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021 (henceforth for short ‘the Rules’) inasmuch as the fine



amount was not disclosed in time and/or any copy provided so that payment could be made and he gets his vehicle released to avoid the economic loss.”

5. Learned counsel for the petitioner further submits that if the truck is released upon payment of the fine amount:

*“(i) he shall not alienate the said truck; and
(ii) he shall produce it before the respondent-authorities as and when required.”*

6. A counter-affidavit has come on behalf of the respondents duly signed by the Mineral Development Officer, District Mining Office, Nawada and it repeats what has been incorporated in the FIR. It has been further recorded that due procedure has been followed in the matter. However, the concerned Officer has failed to bring on record the fine amount even in his counter-affidavit to show that **Section 56(4)** of ‘**the Rules**’ has been complied and the petitioner was disclosed the fine amount.

7. It is to be noted that the seizure is of **25.01.2026** and the counter-affidavit has come on **18.04.2026** i.e. almost around three months. However, whether the respondents have followed **Section 56(4)** of ‘**the Rules**’ or not has been recorded. It is clear that though Mineral Development Officer, Nawada is guided by the Act/ ‘the Rules’ as also the Government circular/notification,



he is acting according to his own whims.

8. Section 56(4) of ‘the Rules’ read as under:

*“56(4) All property seized under this rule shall be liable to be confiscated by an order of the Collector if the amount equal to twenty five times of royalty in lieu of cost of mineral, rent, royalty, compensation for environmental degradation and tax chargeable on the land occupied without lawful authority etc., along with compound fee **is not paid by the offender within a period of one month from the date of commission of such offence or when the recoveries are not affected by that time:***

Provided that on payment of these dues within the said period of one month, all properties seized shall be ordered to be released and shall be handed over to the offender or the owner of the property.”

(emphasis added)

9. From the aforesaid fact, it is clear that the **Section 56(4)** of ‘the Rules’ has been fully violated by the concerned Officer/respondent no. 4 and even after the passage of couple of months, the petitioner has no knowledge about the fine amount.

10. This Court has time and again found the concerned



Mineral Development Officer of District Mining Office, Nawada to be wanting in complying with 'the Rules' in its letter and spirit and in that background, was forced to direct the **Principal Secretary Department of Mines and Geology, Bihar, Patna** to look into the matter and do the needful as irregularities have been found in his Office. The aforesaid direction has been given in the case of **Bhushan Singh vs. The State of Bihar & Ors.** (CWJC No. 3778 of 2026).

11. This Court reiterates that 'the Rules' clearly show that the fine amount has to be immediately disclosed to the violators so that he/she could pay the fine amount in thirty days and gets his vehicle released, failing which, the matter has to be forwarded to the Collector of the district for initiating the process for its seizure.

12. It is to be reiterated that the counter-affidavit filed by the Mineral Development Officer, District Mining Office, Nawada on 18.04.2026 has failed to even attach any copy to show that he has followed **Section 56(4)** of 'the Rules' by imposing a fine amount which the petitioner has to be paid. Thus, the claim that the driver fled away from the place and as such, no paper could be handed over to him, has to be rejected as he had an opportunity to annex all the documents in the counter-affidavit filed by him that if the petitioner wants, can make



payment of the fine amount and gets his vehicle released.

13. The petitioner has made out his case. The Mineral Development Officer, District Mining Office, Nawada is directed to immediately ensure the release of the vehicle in favour of the petitioner as he himself having violated the **Section 56(4) of ‘the Rules’**, cannot illegally keep the vehicle under his jurisdiction.

14. As recorded above, the petitioner has undertaken to produce the vehicle as and when required and further shall not alienate it during the pendency of the case.

15. With the aforesaid observation, the writ petition stands disposed of. No cost.

(Rajiv Roy, J)

Adnan/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	13.07.2026
Transmission Date	N/A

