

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.423 of 2026

Arising Out of PS. Case No.-388 Year-2023 Thana- BARHARA District- Bhojpur

Priya Ranjan Kumar S/o Nand Kishore Prasad, R/o - Sahu Colony, Infront of
B.B.L. College, P.O. - Damodarpur, P.S.- Kanti, District - Muzaffarpur, Pin -
843113 (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Mines and Geology, Govt. of Bihar Patna, Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna Bihar
3. The District Magistrate, Bhojpur, Ara Bihar
4. The Superintendent of Police, Bhojpur, Ara Bihar
5. The Mineral Development Officer, Bhojpur, Ara Bihar
6. The District Mining Officer, Bhojpur, Ara Bihar
7. The Officer-in-Charge, Barhara Police Station, Bhojpur, Ara Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Abhishek Singh, Advocate

For the Respondent/s : Mr. Ebadur Rehman Shakeb, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-07-2026

Heard learned counsels for the parties.

2. The present criminal writ petition has been filed

seeking following reliefs:

“i. For issuance of writ in the nature of "Mandamus" upon the concerned respondents to release the seized truck of the petitioner bearing registration number BR-06-GB-2739 which has been seized on 23.06.2023.

ii. For issuance of writ in the nature of "Mandamus" commanding the respondents not to take coercive steps against the petitioner in pursuance of Barhara P.S. Case no. 388/2023 which was registered on 23.06.2023 under sections 379,



411 I.P.C. & Rule 56 (i), 56 (ii) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule, 2019 and its amended Rule 2021.

iii. For issuance of an appropriate writ, direction or order upon the respondents herein for staying the investigation and further proceedings pursuant to F.I.R. pertaining to Barhara P.S. Case no. 388/2023 which was registered on 23.06.2023 under sections 379, 411 I.P.C. & Rule 56 (i), 56 (ii) of the Bihar Minerals (Concession, Prevention of illegal Mining Transportation and Storage) Rule, 2019 and its amended Rule 2021.

iv. For issuance of writ in the nature of "Mandamus" commanding the respondents not to take coercive steps against the vehicle under consideration and further not to initiate any confiscation proceeding against the said vehicle under consideration. For issuance of an appropriate writ, direction or order upon the respondents herein for staying the confiscation proceedings if any initiated against the vehicle under consideration.

v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law."

3. Learned counsel for the petitioner, at the outset, submits that the Department of Mines, which has seized the vehicle of the petitioner, has determined penalty of Rs. 3,06,200/- as compounding fees / cost of the sand. The learned counsel further submits that the petitioner is ready and willing to pay the penalty amount in easy six installments. The learned counsel further submits that after payment of first installment, the vehicle of the petitioner may be released. The learned



counsel further submits that once the total penalty amount is paid, the Department of Mines may be directed to compound the offence and withdraw the case filed against the petitioner.

4. Learned counsel appearing on behalf of Department of Mines submits that he has got no objection if the petitioner makes payment in installments without fail. However, learned counsel submits that liberty may be granted to the Department of Mines to re-possess the truck in case the petitioner fails to pay the installments within the time fixed.

5. Having regard to the submission of the learned counsel for the petitioner as well as learned counsel for the Department of Mines, respondent no. 6 / concerned respondent is directed to release the truck of the petitioner bearing Registration No. BR-06-GB-2739 on payment of penalty amount of Rs. 3,06,200/- in six equal monthly installments. The Truck in question would be released after payment of first installment of Rs. 51,033/- before the authority concerned / Respondent no. 6, on or before 5th August, 2026, and rest penalty amount would be paid in five equal monthly installments on or before 5th of every month.

6. However, it is made clear that if the petitioner fails to deposit the installments in terms of the present order, the



respondents are at liberty to take possession of the truck and proceed in the matter in accordance with law. It is further made clear that when the total amount of Rs. 3,06,200/- is paid, the respondent authorities will move for compounding of the case.

7. Accordingly, the present petition stands disposed of with the aforesaid directions / observations.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.07.2026
Transmission Date	24.07.2026

