

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4000 of 2026

Vishal Mishra Son of Ramashankar Mishra, R/o Village- Sohani Patti, Near
Sweety Convent School, P.S.- Buxar, District- Buxar, Bihar- 802101.

... .. 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, Bhojpur at Ara.
4. The Superintendent of Police, Bhojpur.
5. The Assistant Director, Mines and Geology Department, Bhojpur at Ara.
6. The Mineral Development Officer, District Mining Office, Bhojpur at Ara.
7. The Mining Inspector, Bhojpur at Ara.
8. The S.H.O. Agiyav Police Station, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate Mr. Suraj Kumar Tiwari, Advocate
For the Respondent/s	:	Mr. Rajeshwar Singh, GA-10 Mr. Jitendra Kumar, AC to GA-10
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P. Mr. Brij Bihari Tiwary, Advocate Mr. Utkarsh Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2026 Heard Mr. Suraj Kumar Tiwari, learned counsel for

the petitioner, Mr. Naresh Dikshit, learned Spl.P.P. for the Mines

Department and Mr. Jitendra Kumar, AC to GA-10.

2. The present petition 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. UP-67-AT-3524, Engine no. ISBE5.91804081K63737315, and chassis no. MAT541068J1K31547 which was seized by the order dated 30.10.2024 passed by Respondent No. 7.

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 a truck bearing Registration No. UP-67-AT-3524 which was moving from Bhojpur (Bihar) to Ballia (Uttar Pradesh) with a challan showing sand with 729.75 Cft. It was intercepted under the



Agiawa Police Station jurisdiction and found to be overloaded inasmuch as on weight, it came to 897 Cft. Accordingly, the same was seized.

4. Aggrieved, the present writ petition.

5. Learned counsel for the petitioner submits that calculating the sand that was present at the petrol pump, it has been shown as overloaded. The truck was seized on 30.10.2024, is under an open sky and getting deteriorated each and every day beside causing economic loss to the petitioner/family members. The submission is that he is ready to pay the amount in installment as he is facing financial crisis due to seizure of the truck but the amount has not been provided.

6. 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 the same before the respondent-authorities as and when required.

7. Learned Spl.P.P. for the Mines Department submits that the sand lying at the petrol pump had been dumped there by the petitioner's truck after noticing the presence of the authorities at the spot, and the same can be verified through various sources, including CCTV footage available at the petrol



pump.

8. It is further submitted that the fine amount already stands disclosed in the counter affidavit filed on behalf of the respondents, which comes to approximately Rs. 8,95,306/-.

9. This Court has taken note of the facts of the case and the submissions advanced by the learned counsels. Admittedly, an interception has taken place and the petitioner shall have to pursue the remedies available to him in accordance with law. However, so far as the truck is concerned, keeping it under the open sky would only lead to its further deterioration as the seizure has already taken place in the year 2024.

10. This Court has also taken note of the submission of learned counsel for the petitioner that, due to the seizure of the truck, the family is facing financial hardship and that, while reserving his right to contest the matter in accordance with law, he may be permitted to pay the fine amount in installments.

11. In that background, this Court directs the petitioner to approach the Mining Development Officer, Bhojpur at Ara in next four weeks alongwith the order/application/demand draft of Rs. 2,95,306/- and if such petition is filed after fulfilling all the legal formalities which is/are required for the release of the truck including the



undertaking given in para 6 of the petition, it be released in favour of the petitioner.

12. The remaining amount of Rs. 6,00,000/- shall be paid in three installments of Rs. 2,00,000/- each, as follows:

“(i) the first installment of Rs. 2,00,000/- shall be paid on or before 10th August, 2026;

(ii) the second installment of Rs. 2,00,000/- shall be paid on or before 10th October, 2026; and

(iii) the third installment of Rs. 2,00,000/- shall be paid on or before 10th December, 2026.”

13. It is made clear that in the event of failure on the part of the petitioner to pay any installment within the stipulated time, the respondents shall be at liberty to take immediate steps for seizure of the truck in accordance with law.

14. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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