

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3778 of 2026

Bhushan Singh son of Late Gaurishankar Singh, Resident of village-Shakardih, Police Station-Parwalpur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Mines and Geology Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada, Bihar.
4. The Superintendent of Police, Nawada, Bihar.
5. The Mines Inspector, Mines and Geology Department, Nawada, Bihar.
6. The Mineral Development Officer, Mines and Geology Department, Nawada, Bihar.
7. The SHO, Rajauli police station, Nawada, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. Government Advocate (02)
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P. Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

[illegible]

2. Heard the parties

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

(i) for issuing a writ of Certiorari or any other appropriate writ quashing the illegal seizure of the vehicle of the petitioner bearing Registration No.-JH02BQ-9220, which has been illegally seized on 17.10.2025 by the respondents and it has been shown to



be seized on 14.10.2025 and no documents regarding aforesaid seizure has been provided.

(ii) for issuance of a writ of Mandamus directing the immediate release of the seized vehicle which was seized without following due process of law.

(iii) for directing an independent enquiry of the illegal and coercive actions of police officials of Rajauli police station, Nawada as well as officials of Mines & Geology Department, Nawada.

(iv) for quashing letter no. 5793/ख० dated 09.12.2025 issued under signature of Mineral Development Officer, Nawada demanding a fine of Rs. 8,74,535.00 imposed upon truck of the petitioner.

(v) for grant of any relief/s as petitioner may be found entitled in the facts and circumstances of the present case.

4. The matter relates to seizure of the petitioner's Truck bearing Registration Number **JH-02-BQ-9220** which according to the petitioner was seized on **17.10.2025** but shown to be seized on **14.10.2025** whereas the case of the respondents is/are that it was actually seized on **14.10.2025** and not on **17.10.2025**.

5. Pursuant to the last order, the Mineral Development Officer, Nawada is present in person. He has also filed supplementary counter affidavit and the contention is that the



seizure actually took place on 14.10.2025 and not on 17.10.2025 as the petitioner claims (Annexure-C to the supplementary counter affidavit).

6. It is to be noted that the case of the respondents is/are that the seizure took place on 14.10.2025 after the Truck driver failed to produce valid Challan. However, the record shows that it was only two months later that on **09.12.2025**, the petitioner was directed to pay the fine amount of **Rs. 8,74,535/-**.

7. On query, how much time it takes for the issuance of letter to the vehicle owner declaring the fine amount that is to be paid, the answer by the concerned officer before the Court is/was that once the verification report comes from the District Transport Office, the letter is issued and as such it takes some time.

8. It is to be noted that Section **56(4) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Amendment Rules, 2021** (henceforth for short '**the 2021 Rules**') under which the demand of fine is made speaks quite contrary to what the officer has tried to explain.

9. Section **56(4) of 'the 2021 Rules'** read as follows:

“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)

10. Thus, as per Section 56(4) of 'the 2021 Rules' the fine amount has to be paid within a period of 30 days from the date of commission of such offence. In other words, the respondents have to immediately impose the fine which has to be paid within 30 days so that the order for the release can be passed, else it will be seized.

11. However, here is a case where on **14.10.2025**, the respondents claim to have seized the truck but it was only vide **office letter no. 5193 dated 09.12.2025** that the petitioner was informed about the payment of **Rs. 8,74,535/- as the fine amount** (Annexure P/3 to the petition). Even the notice dated 09.12.2025 incorporates **Section 56 (4) of 'the 2021 Rules'** making it clear about payment of fine amount with 30 days from the date of



seizure.

12. It is really surprising to know that the authorities sitting in Nawada are issuing penalty notice in complete contravention of **Section 56(4) of 'the 2021 Rules'**. A Truck stands seized, the owner is deprived of his livelihood for the act of his/her driver, **'the 2021 Rules'** mandate issuance of penalty notice immediately so that it be paid in 30 days to avoid seizure but here, the Mineral Development Officer, Nawada issues the letter demanding the fine amount two months later on 09.12.2025 thus, completely defeating the rules.

13. This Court has further observed that the period of issuance of notices in the district of Nawada itself vary from vehicle to vehicle. While in this case, the notice has been issued after two months whereas, in some cases, it has been issued within days while in some cases, within weeks. Thus, the alibi of the Mineral Development Office, Nawada that verification of the vehicle takes two months from the DTO Office, Nawada is a weak *alibi* and fit to be rejected.

14. In the opinion of the Court, the Mineral Development Office, Nawada is acting according to his whims and not following the guidelines/Rules which he is required to do in case of seizure of the vehicle. Upon query made by the Court whether in all the seizure of the vehicles, penalty notice is issued



after two months, no reply was forthcoming. It is a matter of enquiry through the departmental head and the random picking up the files from the office of the Mineral Development Officer at Nawada can throw clear light on the functioning of the said officer/his office.

15. So far as the case of the petitioner is concerned, the contention of Mr. Deepak Kumar is that he has already suffered due to the Truck being out of business, is ready to fight the legal battle but is urgently in need of the vehicle to end the economic loss he is suffering.

16. Learned counsel for the petitioner submits that he is ready to pay the fine amount but as his Truck stands seized since October 2025, he be allowed to make payment in installments as follows:

“(i) Rs. 2,74,535/- at the time of release of the truck;

(ii) Rs. 2,00,000/- each for three months beginning 10th August 2026 followed by payment of second installment by 10th October, 2026 and last installment on 10th December, 2026, totalling Rs. 6,00,000/-;

(iii) failure to pay any of the fine amount, the authority shall be free to take steps for the



seizure of the truck once again;

(iv) further, he shall not alienate the truck during the pendency of the proceeding; lastly,

(v) it will be produced as and when required by the authority.”

17. Learned counsel for the Mines Department submits that if the petitioner is ready to pay the fine amount, the respondents shall be releasing the truck after receiving the first installment and taking the undertaking.

18. In that background, the writ petition is disposed of with a direction that the petitioner shall be paying the installment amount as recorded in the aforesaid paragraph and shall also not alienate the truck. He shall further be producing the vehicle as and when required by the respondent authority. It is further clarified that failure to pay any of the installment amount, the authority shall be free take steps for the seizure of the Truck.

19. The personal appearance of District Mining Officer, Nawada is dispensed with.

20. Having passed the order, this Court directs the Principal Secretary, Department of Mines and Geology, Bihar, Patna to conduct an enquiry into the functioning of the office of the Mineral Development Officer, Nawada in the light of the observation made as certainly, he is violating, the ‘2021 rules’ and



if the irregularity is found in the said office, the Action Taken Report be also submitted. The affidavit of the Department's Principal Secretary must reach this Court in next eight weeks.

21. List this case on **28.08.2026** under the heading '**To be mentioned**' to peruse the affidavit to be filed by the respondent Principal Secretary, Mines and Geology Department, Bihar, Patna.

22. Let a copy of the order be sent to the Principal Secretary, Department of Mines and Geology, Bihar, Patna for his/her perusal and taking necessary action.

(Rajiv Roy, J)

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