

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5357 of 2026

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Vinay Tiwari Son of Mahesh Tiwari, Resident of Dhargaoun, Tiwari tola,
Post- Phulwariya, Thana- markcho, Dhargaon, Koderma, Jharkhand- 825418.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Mines and Geology,
Govt. of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Mineral Development Officer/District Mining Office, Saharsa.
4. The Mining Inspector, District Mining Office, Saharsa.
5. The Officer-in-Charge, Valvahar Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajnikant, Adv.
For the Respondent/s : Mr. Addl. Advocate General (04)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2026 Heard the parties.

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

i. for issuance of an appropriate writ, order or direction including a writ in the nature of Certiorari for quashing the illegal action of the respondent authorities in seizing and detaining the petitioner's vehicle bearing Registration No. JH13F6047, which has been illegally intercepted and detained by the mining authorities without following the due procedure established by law.

ii. for issuance of an appropriate writ or direction commanding the respondent



authorities to forthwith release the petitioner's vehicle during the pendency of the present writ petition on such terms and conditions as this Hon'ble Court may deem fit.

iii. for issuance of any other writ, order or direction to which the petitioner may be found entitled.

iv. for grant of any other relief or reliefs as this Hon'ble Court may deem fit in the interest of justice.

3. The petitioner is owner of the vehicle having Registration No. JH-13F-6047 which was issued challan pursuant to its purchase by one Bipin Kumar Singh of Bhagalpur. The challan was issued on 14.10.2025 at 01.22.40 PM and was valid up to 14.10.2025 at 11.40.40. PM.

4. On 15.10.2025 at 07.25 AM, the truck was found to be moving within the jurisdiction of Saharsa Mining Office fully loaded with the stone chips. As the challan was intended for Bhagalpur and not Saharsa, it was seized and was brought within the Valvahar Police Station, Saharsa.

5. The petitioner has moved before this Court alleging that though the challan was intended for Bhagalpur, as the sand could not be sold at Bhagalpur, the truck driver took it to Saharsa. This also reflects from the report, the Deputy Director,



Mines & Geology, Koshi Division, Saharsa sought for from the Mining Development/ District Mining Office, Saharsa to check his GPS system.

6. The submission is that it has been illegally detained and thus the petitioner is entitled for its release.

7. A counter affidavit has come on behalf of the Mineral Development Officer, District Mining Officer, Saharsa and it has been recorded that on 15.10.2025 at 07.25 AM, the vehicle JH-13F-6047 was intercepted during a routine checking under Vavahar Police Station, the challan was not intended for Saharsa which proved that the transportation was being made outside the permitted time frame and geographical route. This led to the seizure.

8. So far as the direction of the Deputy Director, as recorded above is concerned, the contention in the counter affidavit is that this procedural verification does not, in any manner, nullify or invalidate the original document which was the ground for its seizure on 15.10.2025.

9. The counter affidavit further records that the vehicle owner had statutory period of 30 days to deposit the requisite penalty amount through the portal, he failed to do so and as such, the further process in accordance with law shall be



taken in the matter.

10. This Court has gone through the facts of the case and the materials on record. Admittedly, the challan was generated on 14.10.2025 at 01.22.40 PM, the destination was Bhagalpur and challan was valid up to 14.10.2025, 11.40.40 PM.

11. The period came to an end and on the next morning, on 15.10.2025 at 07.25 AM, it was found to be moving within the Saharsa jurisdiction. Thus, the unrebutted contention in the counter affidavit is that the violation was of jumping the time frame within which it was to be unloaded and outside geographical region of challan has been found to be true.

12. Any internal communication by any Officer have no meaning when the aforesaid two points have been proved. Petitioner will have an opportunity to put forward all his views when an appropriate proceeding is initiated for the impounding of the truck.

13. No case for any interference is made out when clear violation has been found by the vehicle .

14. The writ petition is dismissed with a cost of Rs. 5,000/- to be deposited with the Patna High Court Legal Services Committee within a period of four weeks from today



failing which the same be realized in accordance with law.

(Rajiv Roy, J)

Vijay Singh/-

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