

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6620 of 2026

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Rakesh Kumar Yadav son of Prem Shankar Yadav, Resident of village 32 Shahinpur, Fatehganj, Jaunpur, P.S. Fatehganj, District Jaunpur (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Commercial Taxes, Bihar Patna having its office at Vikas Bhawan, Biley Road, Patna.
2. The District Magistrate cum Collector, Kaimur at Bhabua.
3. The Additional Collector cum Additional District Magistrate, Kaimur at Bhabua.
4. The Sub-divisional Officer, Mohania, District Kaimur at Bhabua.
5. The District Transport Officer, Bhabua, District Kaimur at Bhabua.
6. The District Mining Officer, Kaimur at Bhabua.
7. The Mining Development officer, Kaimur at Bhabua.
8. The Officer-in-charge of police station Mohania, District Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Government Pleader (23)
For the Minest Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines
	:	Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2026 Heard the parties.

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

*“(i) to issue an appropriate writ order or direction including a writ in the nature of certiorari to set aside the letter No. **Camp-01/Khanan, Kaimur dated 18.03.2026 issued by the respondent no. 6 (Annexure No. P-6) and***



fine imposed by the mining department as Rs.9,77,225/- may be set aside.

*(ii) to issue an appropriate writ, order or directions including a writ in the nature of mandamus commanding the respondent No.5 to release the vehicle of the petitioner provisionally during pendency of the writ petition and imposed penalty of Rs. 84,500/- by the respondent no.5 against the vehicle of the petitioner bearing its vehicle **Registration No. UP62CT9413, Chassis No.MAT828053P2D10012, Engine No.B6.7B62300D02132D64286161** which has been seized after imposed penalty under section 194(i) of MV Act and other allied sections.*

*(iii) to issuance a writ, order or direction including a writ in the nature of mandamus commanding the respondent No.6 for released the vehicle provisionally with security of amount fixed by this Hon'ble court which has detained the vehicle of the petitioner bearing **Registration No. UP62CT9413, chassis No. MAT828053P2D10012, Engine No.***



B6.7B62300D02132D64286161 at Mohania

Police station under overloaded sand.

(iv) to issue an appropriate writ/order/direction directing the respondents not to take any coercive measures against the petitioner.

(v) and/or other writ order or direction may be issued in which the petitioner is entitled to.”

3. The petitioner has moved before this Court for the release of the Truck having registration no.-UP-62-CT9413 (Chassis no.-MAT828053P2D10012) which stands seized by the respondent authorities and presently lying in the Mohania Police Station in the district of Kaimur.

4. It is the case of the petitioner that his Truck having registration no. UP-62-CT9413 was seized and penalty was imposed on 18.03.2025 by the District Transport Officer, Bhabhua alleging that the Truck was overloaded with sand.

6. Learned counsel for the petitioner submits that he is ready to pay the fine amount but the seizure of the Truck for the last one year has led to financial crisis in the family. He further submits that he be allowed to pay the fine amount in



installment inasmuch as once the Truck is released, starts plying on the road, he will have financial gain and able to pay the fine amount. The last submission is that the petitioner:

(i) shall not alienate the Truck;

(ii) shall produce it as and when required by the respondent authority;

7. Learned counsel for the Mines Department though opposes the prayer concede that the legal battle will take long time and deterioration of Truck will serve no purpose.

8. This Court has 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.

9. In that background and after hearing the parties, the writ petition is disposed of with the observation that if the petitioner is ready to fine amount and shall be fulfilling the legal obligation as the production of Truck is concerned, the same be released and the payment is to be made in following manner:

“(i) Rs.1,77,225/- at the time of the release of the Truck to the Mines Department and Rs.84,500/- to the Transport Department;



(ii) Rs.2,00,000/- by 10th September, 2026;

(iii) Rs.2,00,000/- by 10th November, 2026;

(iv) Rs.2,00,000/- by 10th January, 2027;

(v) Rs.2,00,000/- by 10th March, 2027;

*(vi) in case of default of payment, the respondent
department shall be free to take steps for the
seizure of the Truck.”*

10. The writ petition is disposed of with the aforesaid
observation.

(Rajiv Roy, J)

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