

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6837 of 2026

Pradeep Kumar @ Pradip Kumar Son of Jageshwar Rai, Resident of Village-
Hanuman Mandir Bilandpur Dhandhua, Police Station - Jandaha, District-
Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The District Mining Officer, Vaishali at Hajipur.
4. The Assistant Director, District Mining Office, Vaishali at Hajipur.
5. The Mining Inspector, Vaishali at Hajipur.
6. The Superintendent of Police, Vaishali at Hajipur.
7. The Investigating Officer, Desri, Police Station, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2026 Heard Mr. Radha Mohan Singh, learned counsel for

the petitioner and Ms. Shruti Singh, learned counsel
representing the Mines Department as also the State.

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

*“(i) For issuance of appropriate
writ/writs, order/orders, direction/directions
commanding the respondent authorities to release
the truck in question bearing Registration No.
BR01GC8922, Chassis No.*



MAT448078D3E09934, in favour of the petitioner, who is the bona fide owner of the said vehicle, which has been illegally seized in connection with Desri P.S. Case No. 68 of 2026, registered under Sections 303(2), 317(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 56(1), 56(2), 56(3) of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2024;

(ii) For a further direction upon the respondent authorities to quash/set aside the seizure of the said vehicle made by Respondent No. 5 (Mining Inspector), and the imposition of arbitrary and excessive penalty without following due process of law;

(iii) For a direction to the respondents not to take any coercive steps against the petitioner in connection with the aforesaid case;

(iv) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. The petitioner is owner of a truck bearing



Registration No. BR01GC8922 and Chasis No. MAT448078D3E09934. The Mining Department and the Police conducted raid in the Ganga Diara area under Chandpura Police Station, Vaishali and during raid, several vehicles were allegedly found in illegal sand mining and transportation without valid permit, petitioner's being one of them. Accordingly, Desri P.S. Case No. 68/2026 was registered on 23.02.2026 and the seized vehicles were taken into custody.

4. Aggrieved, the present writ petition.

5. Learned counsel for the petitioner submits that the truck was seized on 23.02.2026, 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.

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 counsel for the Mines Department submits that the petitioner's truck was involved in illegal sand mining



and transportation which had caused the loss of approximately Rs. 8,00,000/- though he 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 stands disposed of with the observation that if the petitioner is ready to pay the 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. 2,00,000/- at the time of the release of the Truck;

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

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

(iii) the third installment of Rs. 2,00,000/- shall be paid on or before 10th January, 2027.”



10. 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.

(Rajiv Roy, J)

Adnan/-

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