

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.770 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- BARHARA District- Bhojpur

Babloo Kumar, S/o Premadhar Ray, R/o Village- Bishunpur, P.S.- Parsa,
District- Saran (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Dy. Secretary of the Dept. of Mines, Patna Bihar Bihar
2. The District Magistrate Bhojpur Bihar
3. The Superintendent of Police Bhojpur Bihar
4. The Deputy Superintendent of Police Bhojpur Bihar
5. The Circle Officer cum Mines Superintendent of Police Bhojpur Bihar
6. The Station Head Office Barhara P.S. District- Bhojpur Bihar
7. The District Mining Officer Bhojpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Singh, Advocate
Mr. S. K Mishra, Advocate
Mr. Anand Tiwari, Advocate
For the State : Mr.G.A.5
For the Deptt. Of Mines : Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-01-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant petition seeking
direction to the respondent authorities particularly respondent
no. 6, SHO, Barhara (Bhojpur) to release the Goods Carriage
Vehicle bearing Registration No. UP-77N-7500, Chassis No.
MAT448050B0D07737, Engine No.11D63120787 in favour of
the petitioner, which has been seized in connection with G.R
No. 363 of 2024, arising out of Barhara P.S. Case No. 36 of



2024 dated 20.01.2024 registered for the offences under Sections 379, 411 of the IPC and Sections 56(1), 56(2) of Bihar Mines Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

3. Learned counsel for the petitioner, at the outset, submits that the Department of Mines, which has seized the vehicle of the petitioner, has determined penalty of Rs.2,99,556/- as compounding fees/cost of the sand. The learned counsel further submits that the petitioner is ready and willing to pay the penalty amount in easy six installments. The learned counsel further submits that after payment of first installment, the vehicle of the petitioner may be released. The learned counsel further submits that once the total penalty amount is paid, the Department of Mines may be directed to compound the offence and withdraw the case filed against the petitioner.

4. Learned counsel appearing on behalf of Department of Mines submits that he has got no objection if the petitioner makes payment in installments without fail. However, learned counsel submits that liberty may be granted to the Department of Mines to re-possess the truck in case the petitioner fails to pay the installments within the time fixed.

5. Having regard to the submission of the learned counsel for the petitioner as well as learned counsel for the



Department of Mines, the respondent no.7/concerned respondent is directed to release the truck of the petitioner bearing Registration No.UP-77N-7500 on payment of penalty amount of Rs.2,99,556 in six equal monthly installments. The Truck in question would be released after payment of first installment of Rs. 49,926/- before the authority concerned/Respondent no. 7, on or before 3rd February, 2026, and rest penalty amount would be paid in five equal monthly installments on or before 3rd of every month.

6. However, it is made clear that if the petitioner fails to deposit the installments in terms of the present order, the respondents are at liberty to take possession of the truck and proceed in the matter in accordance with law. It is further made clear that when the total amount of Rs. 2,99,556/- is paid, the respondent authorities will move for compounding of the case.

7. Accordingly, the present petition stands disposed of with the aforesaid directions/observations.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2026
Transmission Date	22.01.2026

