

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8011 of 2026

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Pappu Barnwal S/o Kisun Barnwal, Resident of Village 48, Shyampur, PS Nirsa, District Dhanbad (Jharkhand) 828205, At present NST Colony, Police Station Kohima North, District Kohima (Nagaland) 797001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna, At present Resident of .
2. The Mineral Development Officer, Aurangabad.
3. The District Mining Officer, Aurangabad.
4. The District Transport Officer, Aurangabad.
5. The Mining Inspector, Aurangabad.
6. The Station House Officer (SHO), Daudnagar Police Station, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Respondent/s : Mr. Government Pleader (16)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-07-2026 Heard Mr. Satya Prakash Parasar, learned counsel for the petitioner, the State as also Ms. Shruti Singh for the Mines Department.

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

“(i) For issuance of an appropriate writ in the nature of Certiorari quashing the impugned letter/order contained in Memo No. 870/Kha., Aurangabad, dated 01/04/2026, issued by the Mineral Development Officer, Aurangabad,



whereby a penalty of Rs. 13,09,950/- has been imposed under Rule 56(2) as amended in 2024 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules 2019 against mandate of law as admittedly seizure of coal laden Truck and as per Mines & Minerals (Development & Regulation) Act, 1957 as the coal comes under the category of major mineral hence seizure is without jurisdiction.

(ii) For issuance of a writ in the nature of Mandamus commanding and directing the Respondents, particularly Respondent No. 6 (SHO, Daudnagar Police Station) and Respondent No. 2 (Mineral Development Officer), to release forthwith the Petitioner's vehicle bearing Registration No. NL01AC9086 as the petitioner having all requisite documentary testimonials for carrying coal and the same has been produced at the time of seizure.

(iii) For the issuance of a further direction commanding the respondent authorities to pay exemplary damages to the petitioner, as



compensation for the substantial financial loss and profound mental agony suffered.

(iv) For any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

3. The truck of the petitioner with Registration No. NL-01-AC-9086 loaded with coal was moving from Raniganj, West Bengal to Ballia, Uttar Pradesh when it was intercepted at Aurangabad on the ground of overloading and absence of valid *challan*. The period of movement was from 22.03.2026 (09:13 PM) to 25.03.2026. In view of the fact that a valid *challan* was not produced, the truck was impounded and fine of Rs. 13,09,950/- has been imposed by the District Mining Officer, Aurangabad.

4. Aggrieved, the present writ petition.

5. Learned counsel for the petitioner submits that the truck was moving with a valid *challan* which was ignored and the truck was impounded/fine imposed. He submits that the petitioner will be contesting the matter before appropriate authority but the truck which has been seized on 01.04.2026 is lying under the sky, making economic loss to the petitioner beside getting deteriorated day by day, and as such, he is ready



to pay the fine amount during the pendency of the proceeding but as the truck is not plying on the road, he may be allowed to pay the fine in installment which he proposes as follows:

“(i) Rs. 3,09,950/- at the time of release of the truck;

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

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

(iii) the third installment of Rs. 2,00,000/- shall be paid on or before 10th December, 2026;

(iv) the fourth installment of Rs. 2,00,000/- shall be paid on or before 10th February, 2027; and

(v) the fifth installment of Rs. 2,00,000/- shall be paid on or before 10th April, 2027.”

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 representing the Mines Department though dispute the claim that the truck was moving



with the valid challan, submits that since the conclusion of the proceeding will take time, if the petitioner is ready to pay the fine amount under appropriate condition, it can be released.

8. Taking into account the aforesaid facts, the writ petition stands disposed of allowing the petitioner to pay the fine amount, as incorporated above, and failure to do so the respondents will be fully justified in again seizing the truck.

9. He is further required to produce the truck as and when required by the respondent-authorities and in no circumstance, will alienate the same during the pendency of the proceeding.

(Rajiv Roy, J)

Adnan/-

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