

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1170 of 2024

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Surendra Ray son of Maganchan Ray Village- Kochwara Rasulpur Po- Arvind
Nagar Bajahia Ps- Dariyapur Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Dept. of Mines and Geology,
Govt. of Bihar, Patna Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna Bihar
3. The District Magistrate, Bhojpur, Ara Bihar
4. The Superintendent of Police, Ara Bihar
5. The Mineral Development Officer, Bhojpur, Ara Bihar
6. The District Mining Inspector, Bhojpur, Ara Bihar
7. The SHO Koilwar Bhojpur, Ara Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abhishek Singh, Advocate Mr. S. K. Mishra, Advocate Mr. Anand Tiwari, Advocate
For the State	:	Mr. Saurav Kumar, AC to GA-5
For Deptt. of Mines	:	Mrs. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2026 The present writ petition has been filed seeking
following relief(s):-

- "i. For issuance of writ in the nature of
"Mandamus" upon the concerned
respondents to release the seized truck of the
petitioner bearing registration number UP-
92T-2881 which has been illegally seized on
25.04.2024 despite having valid challan and
without assigning any reasons what so ever.*
- ii. For direction to the respondents to issue
official letter to all the authorized stone*



queries and sand mines and give a direction to measure the volume of material whereas at present it is a common practice that mining stations measures laden weight in Kilo Gram and then they divide the total quantity by 40 and the result is considered as volume of material which is not correct always.

iii. For direction to respondent authorities to pay compensation to the petitioner for illegal confinement of his commercial vehicle.

iv. The Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages on account of unfair, illegal and arbitrary action of respondents.

v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law."

2. At the outset, learned counsel for the petitioner submits that he does not want to press the relief and would be satisfied, if the truck of the petitioner bearing Registration No. UP-92T-2881 be released in favour of the petitioner on payment of penalty amount of Rs.2,49,619/-. Learned counsel further submits that since the truck has been seized for almost two years, the petitioner is not in a position to make payment in one



go and if, easy installments are allowed, the petitioner would make the payment and the truck of the petitioner may be released after payment of first installment.

3. Learned counsel appearing on behalf of Department of Mines opposes the submission made on behalf of the petitioner regarding payment of amount in easy installment. She, however, submits that if the Court is inclined the petitioner be directed to make payment in 2-3 installments only. Learned counsel further submits that the confiscation proceeding has been started in this case.

4. Having regard to the rival submission of the parties and considering the fact that the petitioner has confined his prayer only for release of his truck on payment of installment, I think it fit and proper that the amount of Rs.2,49,619/- be paid by the petitioner in five installments. First installment of Rs.50,000/- will be paid on or before 27.02.2026 and rest amount of Rs.1,99,619/- shall be paid in four monthly installments on or before 15th day of every month starts from April, 2026. If the petitioner makes the payment of the installment in terms of the present order, after payment of last installment, the case against the petitioner would be dropped.

5. Till the payment of last installment, the confiscation



proceeding shall remain stayed.

6. Accordingly, the present petition stands disposed of.

7. However, it is made clear that if the petitioner fails to make the payment of the installments, the respondent Department of Mines would be at liberty to repossess the truck of the petitioner.

(Arun Kumar Jha, J)

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