

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9296 of 2026

=====

Upendra Pandey Son of Satya Narayan Pandey, Resident of Village- Ratwar,
P.S.- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary (ACS), Bihar State Mining and Geology Department, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, District- Kaimur at Bhabua.
3. The District Mining Officer, District- Kaimur at Bhabua.
4. The Mining Inspector, District Mining Office, Kaimur at Bhabua.
5. The S.H.O., Police Station Durgawati, District- Kaimur at Bhabua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate
For the Respondent/s : Mr.Addl. Advocate General (04)

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2026 Heard Mr.Ramchandra Singh, learned counsel for

the petitioner and the learned State counsel as also Mines

Department.

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

*(i) for quashing the letter dated 26.04.2020
issued by the Mining Inspector, Kaimur
(Bhabua), in which he has seized the Truck
of the petitioner, for issuance of writ in the
nature of certiorari as well as for issuance of
writ in the nature of Mandamus, or any*



other writ/writs or direction/ directions to the respondents to release seized Truck in question bearing, Registration No. BR24GD1077, Engine No. 42J95484305 and Chassis No. MAT828048RAK16391 to the petitioner.

3. The petitioner owns the truck bearing registration no. BR-24-GD1077 which was issued a challan for transportation of yellow sand from Aurangabad to Varanasi and the loaded material has been recorded in the challan as 39.310 metric.

4. The period of challan is/was 25.04.2026-04.24.51 PM to 26.04.2026-4.24.51 PM, while on the road it was intercepted near Karmasha boarder under Durgawati Police Station, Bhabhua .

5. The vehicle driver escaped. Whereafter, the truck was taken to weighing machine and found to be overloaded inasmuch as it weighed 6263 kgs besides this truck, another truck bearing registration no. BR-24-GD-0627 was also intercepted and and also weighed as 62630 kgs. As it was overloaded, seized and fine amount imposed.

6. Learned counsel for the petitioner submits that he



has good case which shall be contested before an appropriate authority. However, in the present, he wants release of the vehicle as its seizure has led to the vehicle remaining under the sky, getting deteriorated day by day. It is also proving to be detrimental to his family as the truck is out of service, reserving his right to fight out the battle, he be allowed to make the payment in instalments.

7. 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.

8. In that background, with the consent of the parties, the writ petition stands disposed of allowing the petitioner to pay the amount in following manner:

“(i) Rs. 3,25,269 at the time of the release of the vehicle: and

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

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

(iii) Rs.2,00,000/- by January, 2027.

(iv) failure to pay any of the fine amount, the respondents shall be free to take steps for



seizing the vehicle once again.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

