

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9495 of 2026

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Sahitya Kumar Son of Rajkishor Prasad, Resident of Village Mai, Post Mai,
PS Hilsa, District Nalanda, Pin 801302.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar,
Nehru Path, Patna, Pin-800015.
2. The Commissioner, Mines and Geology Department, Government of Bihar,
Nehru Path, Patna, Pin-800015.
3. The Director, Mines and Geology Department, Government of Bihar, Nehru
Path, Patna, Pin-800015.
4. The District Magistrate, Arwal, Arwal.
5. The Mines Inspector, Mines and Geology Department, Government of
Bihar, Arwal.
6. The District Mining Officer, Mines and Geology Department, Government
of Bihar, Arwal.
7. The Mines Development Officer, Mines and Geology Department,
Government of Bihar, Arwal.
8. The Road Transport Officer, Government of Bihar, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhiraj Kumar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (21)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2026 Heard Mr.Dhiraj Kumar 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 issuance of an order, direction or a
writ of certiorari for quashing and setting*



aside the order contained in Letter no. Camp 01/Mining, Arawal dated 25.05.2026, whereby and whereunder the Mines Inspector, Arwal detained and seized the petition's Truck (Hyva) bearing registration no. BR-06 GG-0591 under Rules 30(4), 43 and 56(2) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation & Storage) Rules, 2019 and Rules 30(4) and 56(2) (ii) of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2024 (revised) on the allegation of overloading of sand, without following the mandatory procedure prescribed under Rule 59(2) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 and Section 100 of the Code of Criminal Procedure Code, 1973(now Section 103 of Bhartiya Nagrik Suraksha Sanhita, 2023);

(ii) for issuance of a writ in the nature of



mandamus for directing the respondent authorities to release the petitioner's Truck (Hyva) bearing Registration No. BR-06 GG-0591, as the mandatory procedure prescribed under Rule 59(2) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 and Section 100 of the Code of Criminal Procedure Code, 1973(now Section 103 of Bhartiya Nagrik Suraksha Sanhita, 2023) has not been followed;

(iii) for issuance of an appropriate writ, order or direction directing the respondent authorities to pay suitable compensation to the petitioner for the illegal detention of his vehicle;

(iv) for issuance of any other relief or reliefs) for which the petitioner may be entitled for.

3. The petitioner owns the truck bearing registration no. BR-06-GG-0591 which was issued a challan for transportation of yellow sand from Arwal to Madhubani and the loaded material has been recorded in the challan as 39.95 metric



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4. The period of challan is/was 25.05.2026-01.10.36 PM to 26.04.2026-1.10.36 PM, while on the road it was intercepted near Madhepur under Arwal Police Station.

5. The vehicle driver escaped. Whereafter, the truck was take to weighing machine and found to be overloaded inasmuch as it weighed 39.95 kgs besides this truck, and also weighed as 61090 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. 2,46,669 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 with the aforesaid observation.

(Rajiv Roy, J)

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