

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2743 of 2025

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Baby Devi W/O Shashi Shekhar Bharti R/O Vill.- Sharifganj, Daharia,
Daharia Molis, P.S.- Katihar Sahayak, Dist.- Katihar- 854103

... .. 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, Government of Bihar Patna.
3. The District Magistrate, Bhagalpur.
4. The Superintendent of Police, Bhagalpur.
5. The Mineral Development Officer, Bhagalpur.
6. The District Mining Officer, Bhagalpur.
7. The Officer-in-Charge, Pirpainti Police Station, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Singh, Advocate
For the State	:	Mr. S.D. Yadav, AAG-9
		Mr. Braj Bhushan Mishra, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-02-2026 Heard learned counsel for the parties.

2. The present petition has been filed seeking
following relief:-

*"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 **BR-
11-GF-3815** which has been seized on
10.09.2025.*

*ii. For issuance of an appropriate writ,
direction or order upon the respondents*



herein not to take any coercive steps against the vehicle under consideration in pursuant to Memo no. K-01/M dated 11.09.2025 issued by the Mining Inspector, Bhagalpur, as the same has been issued merely on the communication made vide letter no. 2818/25 dated 10.09.2025 by the Officer-in-Charge, Pirpainti Police Station, Bhagalpur and without due verification of the same and further, the said act was done in gross violation of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule, 2019 and its amended Rule 2024.

*iii. For directing the concerned respondents to release the seized truck of the petitioner bearing registration number **BR-11-GF-3815** which has been illegally seized on 10.09.2025 and the said act was done in gross violation to Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule, 2019 and its amended Rule 2024 particularly Rule 60(2) and Rule 59 of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule, 2019 and its amended Rule 2024.*

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



3. Learned counsel for the petitioner submits that the respondents have arbitrarily and illegally seized the truck as well as stone chips loaded thereon against all the legal norms. Learned counsel further submits that without prejudice to his right and contention, the petitioner is ready to pay the amount of 9,68,119/- in twelve equal installments as her financial condition has deteriorated due to the seizure of the truck.

4. Learned counsel appearing on behalf of State-respondents has no objection if the petitioner is ready to deposit the fine amount of Rs.9,68,119/- in installments.

5. In the light of submission of the parties, the present petition is disposed of and petitioner is permitted to pay the amount of fine in twelve equal monthly installments.

6. On deposit of the first installment, the vehicle in question shall be released by the authority concerned in favour of the petitioner after verifying the documents of ownership of the vehicle in the name of the petitioner and the release would be subject to the following conditions:-

- (i) The petitioner along with the first installment will also furnish a bank guarantee or any other kind of valuable security to the extent of Rs.10,00,000/-



(Rupees Ten Lakh) to the satisfaction of the authority concerned.

(ii) The owner shall also furnish an undertaking on oath that she shall not alienate or part with the ownership of the vehicle in question during the pendency of the proceeding/case and further in case any confiscation proceeding is initiated in the matter, she will cooperate with the same.

(iii) Before release of the vehicle in question, a panchnama shall be prepared by the authority/court below and the same will be kept in the record.

(iv) The release shall become final after the entire amount of fine is paid in 12 equal monthly installments within 12 months.

(Arun Kumar Jha, J)

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