IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2210 of 2026

CNR No. BRHC011093262026

Arising Out of PS. Case No.-66 Year-2026 Thana- RAMGARH District- Kaimur (Bhabua)

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KAMLESH SINGH Son of Haribansh Singh R/o village - Mansurpur, P.S.- Durgawati, District - Kaimur at Bhabua

... ... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Kaimur at Bhabua Bihar
2. Police Superintendent, Kaimur at Bhabua Bihar
3. The Addl. Collector, Kaimur at Bhabua. Bihar
4. District Mines Officer, District Kaimur at Bhabua Bihar
5. Mines Development Officer, Kaimur at Bhabua Bihar
6. Mines Inspector, Kaimur at Bhabua Bihar
7. Station Head of Police Station Ramgarh, District Kaimur at Bhabua Bihar

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. A.A.G.11
For the Department of Mines : Mr. Naresh Dikshit, Spl. PP, Mines
Mr. Utkarsh Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 23-11-2026 Heard the learned counsel for the petitioner and the learned counsel for the State.

2. The petitioner has approached this Court for release of his JCB, which was seized after having found to be involved in illegal excavation of soil.

3. The learned counsel for the petitioner submits that he has made an application before the District Magistrate, Kaimur at Bhabua however no action has been taken. It has

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been submitted that an exorbitant amount compounding penalty of Rs. 10 lakhs along with damages of Rs. 47,000/- has been demanded, which is exorbitant for the petitioner and moreover the petitioner has taken this JCB on loan.

4. The learned counsel for the petitioner further submits that the petitioner is ready to deposit 50% of the total amount for release of the vehicle.

5. The learned counsel appearing for the department of mines submits that the JCB was found to be involved in illegal excavation of soil and specific amount of excavation was found which was calculated and there is no infirmity in the amount which has been calculated by the department which the petitioner needs to pay and nonetheless the petitioner should have approached the Collector-cum-District Magistrate, Kaimur at Bhabua for release of his vehicle after payment of the penalty amount.

6. Having heard the parties and taking into account the submissions made by the counsel, this writ petition is being disposed of with a direction to the District Magistrate, Kaimur at Bhabua to pass a reasoned order within a period of two months from the date of receipt of the application in proper format by the petitioner in Confiscation Case No. 21 of 2026.

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7. The District Magistrate, Kaimur at Bhabua shall take into consideration the submissions made by the petitioner and the involvement of the owner of the JCB concerned while imposing penalty.

8. The application stands disposed of accordingly.

(Sourendra Pandey, J)

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