

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.319 of 2026

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Rajendra Yadav Son of Natho Yadav, Resident of Village-Utwari, Dhamani
Paharpur, Police Station-Kawakol, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Mines and Geology Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada, Bihar.
4. The Superintendent of Police, Nawada, Bihar.
5. The Mines Inspector, Mines and Geology Department, Nawada, Bihar.
6. The SHO, Rupau Police Station, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Government Pleader (25)
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines
	:	Mr. Brij Bihari Tiwary, Advocate
	:	Mrs. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-03-2026 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and Mr. Naresh Dikshit, learned Spl. PP Mines as also

learned State counsel.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) for issuing a writ of Certiorari or any
other appropriate writ quashing the illegal
seizure of the truck of the petitioner bearing
Registration No. BR27B-6263, which has been
illegally seized on 05.05.2025 by the respondent.*



(ii) for issuance of a writ of Mandamus directing the immediate release of the seized vehicle which was seized without following due process of law.

(iii) for directing an independent enquiry of the illegal and coercive actions of police officials of Rapau police station, Nawada as well as officials of Mines & Geology Department, Nawada.

(iv) for grant of any other relief/s as petitioner may be found entitled in the facts and circumstances of the present case.”

3. The petitioner is the owner of the Truck having Registration No. BR-27B-6263 engaged in the transportation of goods.

4. The case is that on 03.05.2025, 619.50 CFT sand was loaded at Lakhmohana Dhanwara Sand Ghat, Nawada which was to be delivered at Kawakole having valid transport challan dated 03.05.2025.

5. On way to Kawakole, it was intercepted by the officials of the Mining Department with the help of Police and at 3:51 AM hours and having found that it has crossed the time



allotted of 12:13 AM, the Truck was seized and the counter affidavit of the respondent no. 3 and 5 is mum about the fact whether any proceeding has been initiated thereafter or not.

6. Learned counsel for the petitioner submits that there was a breakdown of the Truck which resulted into the delay and given a chance, he is ready to produce all the documents to support the said contention. The immediate grievance is that the Truck is standing in an open sky and its condition is deteriorating day by day. He is ready to give the security of the amount that has been asked for till a proceeding is initiated/culminated. Further, it has been undertaken that if any proceeding initiated, he shall be diligently appearing in it and failure to do so, appropriate order can be passed for the seizure of the Truck.

7. The further undertaking is that if relief granted, the Truck will not be alienated and shall be produced before the respondents whenever asked for. In support of the said contention, an order of coordinate Bench dated 11.11.2025 in the case of Kasim Ali & Ors. vs. The State of Bihar and Ors. (CWJC No. 10952 of 2025) has been produced and it is relevant to incorporate paragraph no.9 and 10 which read as under:

“9. Considering the fact that no fruitful



*purpose will be served in keeping the vehicle of the petitioner seized and also the law laid down by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujrat** reported as **2002 (10) SCC 283** and also the decision of the Division Bench of this Court in **L.P.A. No. 1637 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)**, the vehicle/truck of the petitioners bearing registration No. BR28G5708 be released in favour of the petitioner no.2, subject to the following conditions:-*

i. The petitioner no.2 shall furnish a security of Rs.8,50,000/- before the concerned/competent authority before whom the confiscation proceeding is pending.

ii. The petitioner no.2 shall furnish all the necessary papers/documents of ownership before the concerned /competent authority.

iii. The petitioner no.2 shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred/sold in



favour of any third party during the pendency of the confiscation proceeding and that the vehicle / truck in question shall be produced as and when called upon or required in the proceeding or otherwise.

iv. If any jurisdictional objection is taken by the petitioner no.2, that shall also be considered by the authority concerned. The petitioners will also cooperate with the authorities till the final disposal of the proceeding.

10. With the aforesaid observations and directions, this writ petition is allowed.”

8. Learned State counsel submits that the document on record clearly show that the petitioner's Truck jumped the time given in the challan and the purpose is nothing but to load/unload/reload the sand on the single challan and in that background, this interception took place after he crossed the 12:13 AM time frame.

9. This Court has gone through the facts of the case the submissions of the parties, admittedly, an interception has been taken place, a Truck has been seized and fine has been



imposed. The further proceeding is awaited. The seizure took place in the year 2025 and we are in the year 2026, it will be futile keeping the Truck under the sky to deteriorate.

10. In that background, following the order passed in Kasim Ali (supra) case, this Court also directs the respondents to release the Truck No. BR-27B-6263 subject to the following conditions:

i. The petitioner no.2 shall furnish a security of Rs.8,50,000/- before the concerned/competent authority before whom the confiscation proceeding is pending.

ii. The petitioner shall furnish all the necessary papers/documents of ownership before the concerned /competent authority.

iii. The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred/sold in favour of any third party during the pendency of the confiscation proceeding and that the vehicle / truck in question shall be produced as and when called upon or required in the proceeding or otherwise.



iv. If any jurisdictional objection is taken by the petitioner, that shall also be considered by the authority concerned. The petitioners will also cooperate with the authorities till the final disposal of the proceeding.

11. Needless to add, if the petitioner fails to appear in the subsequent proceeding and/or if there is any non-cooperation on his part, the respondent shall be free to take steps for the seizure of the Truck again.

12. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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