

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.213 of 2026

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Virendra Yadav @ Birendra Yadav son of Madho Yadav Resident of village-Chainpur, Police Station- Domchanch, District-Koderma (Jharkhand)

... .. 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 Mineral Development Officer Mines and Geology Department, Nawada. Bihar.
7. The SHO Rajauli police station, Nawada. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar, Advocate
For the Mines Dept	:	Mr. Naresh Dikshit, Spl.P.P., Mines
		Ms.Shruti Singh, Advocate
For the Respondent/s	:	Mr.Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-02-2026 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Mining Department.

2. Learned counsel for the petitioner submits that from the letter no. 03.09.2025 issued by the Mineral Development Officer, Nawada, he has imposed a penalty of Rs. 8,96,281/- on the petitioner.

3. Learned counsel for the petitioner submits that this penalty has been imposed without issuing any show-cause and



without hearing the petitioner.

4. This Court has been regularly directing the Mining authorities to not impose penalty without giving proper opportunity of hearing to the parties, but it appears that the officers do not go through the orders passed by this Court and are not following the law.

5. In these circumstances, I am of the view that the impugned order which has been passed in complete violation of principle of natural justice cannot be sustained and the penalty of Rs. 8,96,281/- imposed by the authorities vide letter dated 03.09.2025, is hereby quashed and the matter is remitted back to the Mineral Development Officer, Nawada.

6. Since no fruitful purpose will be served in keeping the vehicle seized, therefore, considering 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***, during pendency of the matter before the concerned authority, the truck bearing Registration No. JH12J0092 and shall be released in favour of the petitioner by way of interim relief with the following conditions:

(i) The petitioner shall furnish a security of Rs. 15 lakhs (not bank guarantee or fixed deposit) 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 in favour of any third party during the pendency of the proceeding and that the vehicles, 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 petitioner will also co-operate with the authorities till disposal.

7. The petitioner is given liberty to raise all the grounds of the writ petition before the respondent authorities and all these grounds shall be considered after hearing the petitioner and a detailed order shall be passed.

8. This application stands allowed.

(Sandeep Kumar, J)

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