IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3130 of 2026

Viru Yadav, son of Gudo Yadav, resident of Village Athaniya, P.O. Pashurampur, P.S. Pirpainti, District Bhagalpur, Bihar.

... ... Petitioner

Versus

1. The State of Jharkhand.
2. The Deputy Commissioner, Godda, P.O. + P.S. Godda, District Godda.

... ... Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ranjan Kumar Singh, Advocate
For the Respondent(s) : Mr. Abhijeet Anand, AC to Sr. SC-I

02/ 29.04.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

> *"for issuance of an appropriate writ/writs, order/orders, direction/directions or a writ in the nature of Certiorari for quashing the order of confiscation dated 12.10.2023 (Annexure-3) passed by the Deputy Commissioner, Godda in Confiscation Case No.10 of 2022-23 whereby the motorcycle bearing Registration No.JH-17X-3487 of the petitioner has been confiscated relates to a criminal case bearing Meharma P.S. Case No.26 of 2022 dated 09.03.2022.*
>
> *AND*
>
> *Be further pleased to direct the respondents to release the motorcycle having Registration No.JH-17X-3487 to the petitioner forthwith."*

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. The petitioner is aggrieved by the aforesaid impugned

order, by which, motorcycle of the petitioner along with others has been confiscated in Confiscation Case No.10/2022-23.

4. Admittedly, the Deputy Commissioner, Godda, has invoked Rule 11(V) of "the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017" (hereinafter to be referred as "Rules of 2017").

5. It is also admitted that a Division Bench of this Court vide judgment dated 22.07.2024 in the case of ***M/s Aditya Enterprises & Ors. Vs. The State of Jharkhand & Ors. [W.P.(C) No.6788 of 2023] and other analogues cases***, has struck down Rule 11(V) of the Rules of 2017, holding it to be *ultra vires* the parent Act i.e. "the Mines and Minerals (Development and Regulation) Act, 1957".

6. Considering the fact that the provision of law has been declared ultra vires, the impugned order dated 12.10.2023 passed in Confiscation Case No.10/2022-23 (Annexure-3 to the writ petition), is hereby set aside.

6.1. The vehicle is directed to be released.

7. Accordingly, this writ petition stands **allowed**. No order as to costs.

(ANANDA SEN, J.)

29th April, 2026
Prashant. Cp-2

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