2026:JHHC:26674

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 7391 of 2025

Sanjay Kumar, son of Shiv Nath Prasad, resident of Rikab Ganj, Katra Bazaar, Panchmukhi Chaura, Patna City, P.O and P.S. Nagla, District-Patna, Bihar. …Petitioner(s)

Versus

1. The State of Jharkhand.
2. The Deputy Commissioner, Ramgarh.
3. The Assistant Mining Officer, Hazaribagh.
4. The Authorised Officer-cum-Divisional Forest Officer, Ramgarh Forest Division, Ramgarh. ... Respondent(s)

CORAM: SRI ANANDA SEN, J.

For the Petitioner(s) : Ms. Adya Mishra, Advocate
For the Respondent(s) : Mr. Ashutosh Anand, AAG-III
M/s Rishi Bharti & Shantanu Gupta, AC to AAG-III

…....

4/03.09.2026: Heard the parties.

2. By way of filing this writ petition, the petitioner has prayed for quashing the order dated 15.3.2024 (Annexure-6) passed by the Deputy Commissioner, Ramgarh in Confiscation Appeal No. 37/2023, whereby, the appeal against the order of confiscation of the vehicle of the petitioner has been dismissed. It has also been prayed for release of the vehicle bearing Registration No. BR 01GF 5386.

3. An FIR being Hazaribagh Muffasil P.S. Case No. 289 of 2017 was registered for the offence under Sections 413, 414, 34 IPC, Section 30(ii) of the Coal Mines Act, Section 33 of the Indian Forest Act, Section 21 of the MMDR Act and Rule 8 of the Jharkhand Minor Minerals Concession Rules, 2007 alleging that on routine inspection there were few trucks found loaded with illegal coal. Thereafter, a Confiscation proceeding for the truck bearing registration No. BR 01GB 5386 was initiated by the Forest Divisional Officer being Confiscation Case No. 153/2018 in which, order dated 30.10.2018 was passed against the petitioner. Thereafter, the petitioner preferred an appeal against the said order being Appeal No. 32/2018 before the Deputy Commissioner, Ramgarh, which was also dismissed vide order dated 6.3.2019. The petitioner thereafter preferred a revision being Revision Case No. 14/2019 against the order of the Deputy Commissioner, wherein, the order of the Appellate Authority cum-Deputy Commissioner was set aside and the matter

was remanded back to the Deputy Commissioner, Ramgarh to pass a fresh order. The Deputy Commissioner, Ramgarh again initiated a fresh appeal being Appeal No. 37/2023 and vide order dated 15.3.2024, the same has been dismissed observing that the coal loaded in the Truck is suspicious/illegal. Be it noted that the proceeding of confiscation was under the Indian Forest Act.

4. Learned counsel for the petitioner Submits that the petitioner has produced all the documents of the coal as well as his vehicle, but the order of confiscation was passed ignoring the document produced by the petitioner. She also submits that Section 33 of the Indian Forest Act is not applicable in the present case as well as the issues, raised by the learned Revisional Court while setting aside the previous order of appeal, have not been answered by the Appellate Court in the fresh appeal. She lastly submits that the impugned order suffers from grave infirmity and illegality, as there is no allegation with respect to stealing of the coal and the same has been passed without appreciating the relevant facts and documents of the petitioner.

5. Per contra, learned counsel for the State submits that during course of inspection, it was found that illegal coal was being carried by 6 trucks including the truck of the petitioner without being e-Transport Challan and no driver and owner of the trucks has appeared before the police authority showing valid documents/transportation challan. He further submits that after giving full opportunity to both the parties, the DFO, Ramgarh Division, Ramgarh passed the order in connection with confiscation case, thereafter the appeal of the petitioner was also rejected. He also submits that the Revisional Authority remanded the matter back to the Deputy Commissioner, Ramgarh and the Dy. Commissioner, Ramgarh again passed the order on 15.3.2024 upholding the order of the DFO, Ramgarh in respect of truck of the petitioner. He lastly submits that the order passed by the Dy. Commissioner, Ramgarh is valid and legal in view of the fact that the petitioner has failed to produce the documents with respect to ownership of the truck and legality of the coal, which was being transported by the truck of the petitioner. He lastly submits that exercising jurisdiction under Article 226 of the Constitution, this Court cannot reappraise facts.

6. After hearing the parties and going through the records, I find that confiscation case was initiated by the District Forest Officer, Ramgarh. I also

find that confiscation proceeding was under the Indian Forest Act. To initiate a confiscation proceeding, there must be an offence under the Forest Act.

7. Allegation in this case is that the vehicle in question was found loaded with coal. Though the case was registered under the Mines and Minerals (Development and Regulations) Act and other provisions of the Indian Penal Code and Forest Act, but from the entire records, I could not find any material to suggest that coal was forest produce. It is also not the case of the prosecution in the criminal case that the coal was forest produce. Criminal case was initiated as the drivers of the vehicle could not produce any tax invoice or any document suggesting that the coal was not illegally excavated and purchased lawfully and same was being transported lawfully.

8. To substantiate that the coal was forest produce, authorities should have alleged the same and should have proved that the coal was mined from forest area. To sustain the confiscation proceeding under the Forest Act, it should be alleged and proved that the offence is a forest offence and the vehicle was transporting forest produce. Since there is nothing to suggest that transportation was of any forest produce, even if it is coal, confiscation under the Indian Forest Act cannot be sustained. Be it noted that there was no confiscation proceeding under the Mines and Minerals (Development and Regulation) Act.

9. All these aforesaid legal grounds have been overlooked by the authorities concerned. Thus, the impugned order dated 15.03.2024 (Annexure-6) passed by the Deputy Commissioner, Ramgarh in Confiscation Appeal No. 37/2023 is set aside. Consequently, the vehicle bearing Registration No. BR 01GF 5386 be released forthwith.

10. This writ petition is allowed, accordingly. Pending interlocutory applications, if any, stand disposed of.

(ANANDA SEN, J.)

3rd September, 2026
Anu/-Cp2.

Uploaded on: 10/09/2026