IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2258 of 2026

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Sakaldeep Kumar Son of Jamun Ray, Resident of Village- Mansurpur Maricha, P.S. Mahua, Dist. - Vaishali.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-Cum-Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna.
2. The Director, Mines, Patna.
3. The District Magistrate, Patna.
4. The Mines Inspector, District Mines Office, Patna.
5. The Senior Superintendent of Police, Patna.
6. The S.H.O., Phulwari Sarif, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Satish Kumar Sinha, Adv.
For the Respondent/s : Mr.Addl. Advocate General 7
Mr. Rajeev Kr. Sinha, AC to AAG 7
For the Mines Mr. Naresh Dikshit, Adv.
Ms. Shuruti Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

7 21-08-2026 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following relief(s):-

"(A) A writ in the nature of certiorari or any other appropriate writ/s, order/s for quashing the order dated 08.01.2026, contained in Letter No. 01, issued under the signature of Mines Inspector, District Mines Office, Patna, by which the truck of the petitioner, bearing registration no. BR06GB1458, loaded with sand, has been seized and a penalty of altogether Rs. 9,19,738/- (Rupees Nine lakh

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Nineteen thousand Seven hundred and Thirty Eight) has been imposed on the charge of over loading and the truck has been handed over to the SHO, Phulwari Sarif, Patna, with a request to keep the same in safe custody and release the same only after the order of release, passed by the District Mines Officer.

(Annexure- P4 to the petition)

B) A writ in the nature of mandamus or any other appropriate writ/s, order/s, directions Commanding the respondents for the following:

(i) To hold that order dated 08.01.2026, contained in Letter No. 01, issued under the signature of Mines Inspector, District Mines Office, Patna, is illegal, improper and without jurisdiction

(ii) To release the truck of the petitioner, bearing registration no. BR06GB8166, loaded with sand, in his favour forth with, getting the same weighed, in presence of the petitioner.

(C) Any other relief/s for which the petitioner is entitled to."

3. Learned counsel appearing on behalf of the petitioner submits that the matter is squarely covered by the Judgment of this Hon'ble Court passed in CWJC No. 2217 of 2026 dated 26.03.2026. Learned counsel submits that, by virtue of the said judgment, the vehicle bearing Registration No. BR-

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06GB-8166 was released. This Hon'ble Court, in CWJC No. 2217 of 2026, has also quoted the observations made in Paragraph Nos. 9 and 10 of the judgment passed in CWJC No. 10952 of 2025 (Kasim Ali and Others v. The State of Bihar and Others), 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:-*
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> *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,*

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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."

4. Having regard to the same, this Court is of the opinion that the ends of Justice would be met if the same order is passed. However, taking into account that the cost of the vehicle bearing Registration No. BR06GB 1458 in the present case is Rs.9,19,738/-, the petitioner shall furnish the security for the same amount.

4. Further, as the petitioner has restricted his prayer only to the release of the truck and is ready and willing to appear before the appropriate authority, an appropriate order can

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be passed. The petitioner shall appear before the authority as and when required.

5. Further the petitioner shall not alienate the said truck and he shall produce the vehicle as and when required by the respondent authorities or before the competent Court.

6. The authority is directed to release the truck bearing Registration No. BR06GB 1458 in favour of the petitioner on furnishing security for an amount of Rs. 9,19,738/-.

7. With the above observations, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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