

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.12472 of 2026

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KRISHNA KUMAR PATEL S/O NANKHU RAM PATEL
Versus
THE STATE OF GUJARAT & ANR.

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Appearance :

MR JAY N SHAH for the Petitioner.
MR HENIL SHAH, AGP for the Respondents.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 03/09/2026
ORDER

1. Rule. Learned Assistant Government Pleader waives service of Rule for and on behalf of the respondents.
2. With the consent of the learned advocates for the parties, the matter is taken up for final hearing and disposal.
3. Learned advocate for the petitioner submits that the vehicle of the petitioner has been seized on 2.6.2026 by the respondent authorities and the complaint is preferred by the authorities before the Court below after completion of the stipulated period, i.e. after 45 days. Learned advocate submits that since the complaint has been filed after the stipulated period, as per the Rule 12 of the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, the petitioner is entitled to release of his vehicle having registration No.GJ-16-UU-6005 pending the proceedings. Learned advocate in support of his contentions places reliance on the order passed by the Coordinate

Bench of this Court dated 8th August, 2024 in Special Civil Application No.8664 of 2024.

4. Learned Assistant Government Pleader appearing for the respondents, upon instructions received from V. D. Sokonli, Geologist, Chhota Udepur submits that however, the petitioner has also approached the authorities to compound the offence earlier. He further submitted that the complaint, i.e. Criminal Inquiry No.9 of 2026, has been filed on 13.08.2026, i.e. after the stipulated period of time under the Rules. Learned Assistant Government Pleader submits that appropriate order may be passed in the present case.

5. In view of the aforesaid submissions, it is revealed that the complaint has not been filed within the stipulated period of time under the Rules, 2017. Various orders have been passed by this Court, wherein it has been held that it would be obligatory on the part of the investigator to approach the Court of Sessions with a written complaint and produce the seized properties before the Court within the stipulated period under the Rules. In absence of such exercise, the purpose of seizure and the bank guarantee would stand frustrated. Resultantly, the property will have to be released in favour of the person from whom it was seized without insisting for the bank guarantee.

6. In view of the fact that the vehicle in question having been seized on 2.6.2026 and the complaint has been filed on 13.8.2026, the vehicle of the petitioner be released on the following conditions :-

(i) The petitioner shall file an undertaking on oath before the competent authority that the petitioner shall not transfer, alienate, part with the possession of the vehicle having registration No.GJ-16-UU-6005 or create any charge over the vehicle in question till the conclusion of the trial.

(ii) The petitioner shall produce the vehicle having registration No.GJ-16-UU-6005 as and when the authority or the Court concerned directs him to do so.

7. It is made clear that this Court has not gone into the merits of the case and no observation is made thereon.

8. The Principal Senior Civil Judge & Additional CJM, Chhota Udepur shall decide the complaint on its merits in accordance with law. It is also made clear that the respondent authorities are permitted to take appropriate step(s) in accordance with law against the petitioner under the Rules, 2017.

R.N. SAVARIYA

(NIRZAR S. DESAI,J)