

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1219/2026

Hapa Ram S/o Gunesh Ram, Aged About 30 Years, R/o Godelai
Chamu Balesar District Jodhpur

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Pukhraj Godara
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG assisted by Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

12/02/2026

Learned counsel for the petitioner submits that the controversy is akin/similar to the one involved in the instant matter has already been decided by this Court vide order dated 19.05.2025 passed in ***S.B. Cr. Misc. Petition No.597/2024 (Chaina Ram vs. State of Rajasthan)*** and connected matters.

The relevant portion of the order dated 19.05.2025 passed by this Court in **Chaina Ram (supra)** is reproduced below for ready reference:

"8. Consequently, it is held that under the mining laws, the state authorities have the powers for initiating confiscation proceedings in relation to the vehicles seized for violation of the mining laws. It is once, the confiscation proceedings are initiated, the vehicle cannot be released on supurdaginama as prayed by few of the petitioners. However, the said vehicles can only be released on payment of penalty

and compounding fees. Whereas, the vehicles qua which no confiscation proceedings have yet been commenced, the competent criminal Court can handover interim custody of the vehicles to its true owner as a criminal Court is not supposed to keep a vehicle detained until the confiscation proceedings are commenced and concluded by the mining department.

9. It is however, made clear that in the cases where criminal Court has handed over interim custody of the vehicles to its true owners on supurdaginama, the mining department shall be free to pass confiscation orders and take back the vehicles in accordance with law.

10. The present batch of criminal misc. petitions is disposed of with liberty to the petitioners to approach the competent Court for filing fresh applications for release of their vehicle. The competent Court shall decided the fresh applications, if filed, in accordance with the observations made by this Court in para 8 of the judgment.”

Accordingly, the instant criminal misc. petition is disposed of with a direction to the petitioner to approach the competent Court by way of filing a fresh application for release of his **Tractor No.RJ21-AR-0176**. The competent Court shall decide the fresh application, if filed, in accordance with the observations made by this Court in Para-8 of order dated 19.05.2025 rendered in the case of **Chaina Ram (supra)**.

Stay application and all pending applications, if any, stands disposed of accordingly.

(BALJINDER SINGH SANDHU),J