

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

S.B. Criminal Misc(Pet.) No. 1599/2026

Om Prakash Sen S/o Shankar Lal Sen, Aged About 31 Years,
Village Kerpura, Tehsil Mandalgarh, District Bhilwara, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Director, Mines And Geology Directorate, Udaipur
3. Mining Engineer, Bhilwara, District Bhilwara

-----Respondents

For Petitioner(s)	:	Mr. Suresh Kumar Bishnoi
For Respondent(s)	:	Mr. Anurag Jyani for Mr. Mahaveer Bishnoi, AAG

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

26/02/2026

Learned counsel for the petitioners as well as learned counsel appearing on behalf of learned Additional Advocate General for Mining Department jointly submit that the controversy involved in these matters are no more *res integra* in view of judgment passed by Co-ordinate Bench of this Court in ***Chaina Ram Vs. State of Rajasthan*** (S.B. Criminal Misc. Petition No.597/2024, decided on 19.05.2025), and the issue raised in these criminal misc. petitions being squarely covered by the ratio laid down in the said judgment, the petitions can be disposed of in terms of the judgment aforesaid. The relevant para of the judgment reads as follows :-

"6. Heard learned counsel for the parties. Perused the material available on record.

7. After hearing learned counsel for the parties and having perused the judgments of the

coordinate Benches of this Court particularly in the cases of **Kishore Singh (supra)**, **Narayan Gadri (supra)** and **M/s Mahadev Construction (supra)**, this Court finds that the controversy involved in the present batch of criminal misc. petitions has already been set to rest and is no longer res integra. Therefore, the petitions in hand are to be decided in accordance with the parameters laid down in these judgments.

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 had 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 decide the fresh applications, if filed, in accordance with the observations made by this Court in para 8 of the judgment.

11. All pending applications stand disposed of accordingly.

12. A copy of this order be placed in each file."

Accordingly, the impugned order dated 20.02.2026 is set aside and 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 vehicle No.RJ-06-

GD-6907. The competent Court shall decide the fresh application, if filed, in accordance with the observations made by this Court in para-8 of the order 19.05.2025 rendered in the case of **Chaina Ram** (Supra).

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

(CHANDRA SHEKHAR SHARMA),J

36-T.Singh/-