

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

S.B. Criminal Miscellaneous (Petition) No. 3524/2026

Ghasee Ram S/o Bhagwana Ram, Aged About 33 Years, R/o
Rulyana Patti Sikar Rajasthan 332028.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. The Mining Department, District Pali

-----Respondents

For Petitioner(s)	:	Mr. Ravindra Singh
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. Anurag Jyani for Mr. Mahaveer Bishnoi, AAG

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

05/05/2026

1. The present criminal miscellaneous petition has been filed under Section 528 of the BNSS, 2023 against the order dated 27.04.2026 passed by the learned Chief Judicial Magistrate, Pali in Misc. Application No. 493/2026 arising out of FIR No. 86/2026 registered at Police Station Rohat, District Pali, whereby the learned Magistrate declined to allow the application under Section 503 BNSS for release of the seized vehicle bearing registration No. RJ-23-GE-6600, which was seized in connection with offences under Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of the BNS, 2023.

2. Learned counsel for the petitioner as well as learned counsel appearing on behalf of Mining Department jointly submit that the

controversy involved in this matter is 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 this criminal misc. petition being squarely covered by the ratio laid down in the said judgment, the petition 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 decided 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."

3. Accordingly, the impugned order dated 27.04.2026 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 vehicle in question (Registration No.RJ-23-GE-6600).

4. 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 dated 19.05.2025 rendered in the case of ***Chaina Ram (Supra)***.

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

(SUNIL BENIWAL),J