



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

S.B. Criminal Miscellaneous (Petition) No. 3920/2026
CNR: RJHC010478242026 | URN: CRLMP / 7024U / 2026

Phusaram, Aged About 56 Years, R/o 16 Doli Rajguro Po Doli
District Barmer Rajasthan

-----Petitioner

Versus

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

-----Respondents

For Petitioner(s) : Mr. Sanjay Bishnoi, Mr. Sandeep Bishnoi, Mr. Aziz Khan, Mr. Ramesh Siyag, Mr. Vishal Sharma, Mr. Neeraj Kumar Gurjar, Mr. Suresh Kumar Bishnoi, Mr. Devakar Sharma, Mr. Kapil Purohit, Mr. Ashok Bishnoi, Mr. Anada Ram, Mr. Pawan Vishnoi, Mr. Jagdish Bhadu, Mr. Pukhraj, Ms. Kamini Joshi, Mr. Ramniwas Choudhary

For Respondent(s) : Mr. Mahaveer Bishnoi, Additional Advocate General, assisted by Mr. Gaurav Bishoi, Mr. Devendra Prajapat, Mr. Anurag Bishnoi.

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Judgment

Reportable

Date of conclusion of arguments	Sr.No 1-69 - 09.07.2026 Sr.No 70-71 - 10.07.2026
Date on which judgment was reserved	Sr.No 1-69 - 09.07.2026 Sr.No 70-71 - 10.07.2026
Whether the full judgment or only operative part is pronounced	Full
Date of pronouncement	21.08.2026

1. All these miscellaneous petitions have been preferred against the impugned orders passed by the learned Judicial Magistrates, whereby the applications filed by the petitioners under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS),



seeking release of the seized vehicles/machines were rejected or allowed on condition of depositing cost of minerals, compounding fee and the amount imposed by the NGT (hereinafter referred to as statutory amount/penalty). The prayer of the applicants for release of the vehicles/machines only on personal security or Supardginama, without payment of the aforesaid charges, was also declined.



2. Looking to the fact that all the petitions raise a common question of law, and the grievance and relief sought by the petitioner is identical, the petitions were heard together and reserved, and are being decided by this common judgment. The particulars of the petitions are provided in the Schedule annexed, the same shall be treated a part and parcel of the instant judgment.

3. The vehicles/machines (hereafter referred as vehicles) of different categories in question were allegedly found to be involved in illegal mining/transportation of illegally mined minerals, mostly *bajri/sand*, and were seized by the police authorities, mining authorities and in some cases under the Motor Vehicles Act. In most of the cases, the Mining Authorities/Police Authorities, while seizing the vehicles, registered FIRs under Section 303(2) of the BNS read with Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), and in some cases under 61 (2), 112 (2) BNS as well, thereby initiating criminal prosecution against the accused persons. Under the Motor Vehicles Act, the vehicles were seized



under Section 207 thereof. Simultaneously, proceedings for confiscation of the vehicles were also initiated by the authorities of the mining department under Rules 54 and 60 of the Rajasthan Minor Mineral Concession Rules, 2017 (MMCR Rules).

4. The learned Judicial Magistrates called for reports from the Mining Department, wherein it was clearly stated that proceedings have been initiated by the Department under Rule 54 and 60, and that the cost of mineral, compounding fee and NGT compensation amount (statutory dues/penalty) is due and had not been deposited. In such circumstances, relying upon the judgments of this Court in ***Jitendra Meena Vs. State of Rajasthan* (CRLMP No. 1161/2020, decided on 01.12.2021), *Narayan Gadri vs State of Rajasthan* (CRLMP No. 6304/2021, decided on 02.07.2024), *Kishore Singh Vs. State of Rajasthan* (CRLMP No. 3595/2021, decided on 15.09.2021), *Chaina Ram Vs. State of Rajasthan* (CRLMP No. 597/2024, decided on 19.05.2025) and *Giriraj Meena Vs. State of Rajasthan* (CRLMP No. 419/2025, decided on 06.10.2025), as well as the judgment of the Hon'ble Apex Court in ***State of Rajasthan Vs. Jagdish Prasad* (SLP (Crl.) No.106-107/2021, decided on 11.07.2023)**, the applications were rejected on account of the proceedings having been initiated by the mining department, and the statutory amounts/penalty having not been deposited by the applicants/petitioners. In other cases it has been allowed subject to the condition of deposition of statutory dues of the department or active bank guarantee of equivalent amount. The other general conditions of furnishing photographs and undertakings were also**



imposed. In few cases, revision petitions have been filed, which have been dismissed by the revisional court.

5. Learned counsel appearing for the petitioners argued the matters at length, raising several questions of fact as well as law, and contended that making the deposit of the statutory amounts/penalty a condition precedent for release of the seized vehicles is illegal, arbitrary and unjustified. It was submitted that no confiscation proceedings against the vehicles of the petitioners can be undertaken until conclusion of the criminal prosecution. Further, no vehicle can be seized or criminal prosecution can be launched without there being any complaint filed by a authorised officer before the court in terms of section 22 of the MMDR Act 1957. And in the present cases there is no such complaint filed by the competent person or cognizance taken by the court.

6. Further, it also contended that even the Mining Authorities have not yet initiated confiscation proceedings under Rule 54(6) of the MMCR Rules, 2017, as they have not filed any complaint/application before the Magistrate in terms of the Rule. Therefore there being no confiscation proceedings initiated by the department, there is no justification for insisting upon deposit of the penalty, and the vehicles deserve to be released on personal security/supurdginama only.

7. Learned counsel for the petitioners invited the attention of this Court to Rules 54(3), 54(4), 54(5) and 54(6) and 60 of the MMCR Rules and submitted that the offence is compoundable. It was argued that the Rules provide for release of the seized vehicle





upon deposit of the prescribed amount within three months, and confiscation proceedings under Rule 54(6) can be initiated only after expiry of the period of three months, and the order of confiscation can be passed only by the jurisdictional Magistrate. It was submitted that merely issuing a notice pursuant to seizure and asking the owners or persons in charge of the vehicles to deposit the dues under Rule 54(5) or Rule 60(5) does not amount to initiation of confiscation proceedings. It was submitted that confiscation proceedings can be said to have commenced only when an application under Rule 54(6) is filed before the Magistrate or an order is passed under Rule 60(7). Therefore, prior to initiation of such proceedings or passing of such orders, the vehicle cannot be withheld merely for non-deposit of the statutory amounts, particularly when the statutory period for payment is still available to the petitioners.

8. In support of their submissions, learned counsel for the petitioners placed reliance upon the judgments of this Court in ***Kanwar Pal Singh v. State of UP AIR online 2019 SC 1930, Kishore Singh v. State (supra), Chaina Ram (supra), M/s Mahadev Construction (CRLMP No. 2179/2025)*** as well as the judgment of the Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai v. State of Gujarat*** reported in **(2002) 10 SCC 283**.

9. Per contra, learned Additional Advocate General appearing for the Mining Department opposed the submissions advanced on behalf of the petitioners and submitted that the impugned orders



passed by the learned Magistrates are in consonance with the statutory scheme of the MMCR Rules, the law laid down by the Hon'ble Supreme Court and the judgments rendered by the Co-ordinate Benches of this Court. It was submitted that, in all the cases, reports were called for from the Mining Department, wherein it was clearly stated that proceedings had been initiated by the Department and that the compounding fee and other charges had not been deposited.

10. Learned AAG submitted that replies have been filed and that, in all the petitions, the vehicles were found to be involved in illegal mining or transportation of illegally mined minerals and were accordingly seized. It was submitted that immediately upon seizure, proceedings under the relevant Rules are initiated and notices are issued to the owners/persons in charge of the vehicles under Rules 54 and 60, requiring them to deposit the statutory amount within the prescribed period. In the event of failure to deposit the amount, the vehicles become liable to confiscation and auction for recovery of the dues.

11. It was further submitted that under Rule 54, a period of three months is granted for depositing the amount, failing which the order of confiscation is passed by the Magistrate. During this period, the owners are at liberty to deposit the amount and secure release of their vehicles. Learned AAG submitted that the grant of three months' time is merely an opportunity to make payment and cannot be construed as conferring a right to obtain interim custody of the vehicle on Supardginama without payment of the



statutory amounts or penalty. It was submitted that once notices are issued by the Department to the person in charge, the confiscation proceedings would be deemed to have been initiated and the order of the Magistrate is only the culmination of such proceedings. Since the liability has already been determined by the Department and notices have been issued, the petitioners cannot seek release of the vehicles without discharging such liability.

12. So far as Rule 60 is concerned, it was submitted that the said provision deals with the inspection of minerals in transit, wherein the power of confiscation vests in the Mining Authorities themselves. Consequently, under Rule 60, upon refusal to make the payment required under sub-rule (5), the empowered officer has the power to seize and confiscate the vehicle and mineral in the manner provided under the Rule.

13. It was further submitted that in all the present matters, notices under Rules 54 and 60 have already been issued to the owners or persons in charge of the vehicles. Thus, the amounts payable have already been determined and demands have been raised under the MMCR Rules. The said amounts constitute recoverable dues against the petitioners and are recoverable as arrears of land revenue. Therefore, once the vehicles have been seized and the liability has crystallised, there is no justification for releasing them without deposit of the statutory dues.

14. It was also argued that criminal prosecution and confiscation proceedings operate in different fields. In the present cases the



criminal prosecution has been launched and FIRs have been registered, as reflected in the chart, and it will take its own course. And the same is not under challenge in these petitions. Confiscation proceedings under Rules 54 and 60 are independent of the criminal prosecution and may continue irrespective of the pendency or outcome of such prosecution.

15. Learned AAG has placed on record the status report of the cases in the present Criminal Miscellaneous Petitions by way of a chart as mentioned hereinbelow-

Sr. No	Case No.	Petitioner Name	Relevant Rule of RMMCR - 2017	Notice Issue Date	FIR No.	Case realated to (On spot/ in transit)	Case registered u/s	District
1	CRLMP 3686/26	BHERULAL GURJAR V/S RAJ.	Rule 54 & 60	31/03/2026 Demand Order 06/05/2026	27/2026 BHILWARA	SPOT	S. 4/21 MMDR & S.303 (2)	BHILWARA
2	CRLMP 3691/26	HEERU DEVI V/ S RAJ.	Rule 54 & 60	IN- 31.03.2026 Demand order 06.05.2026	N/A	SPOT (KOTHARI RIVER)	S.4/21 MMDR & S 303(2)	BHILWARA
3	CRLMP 3692/26	MADAN V/S RAJ.	Rule 54 & 60	25/06/2026	N/A	SPOT (KOTHARI RIVER)	S. 4/21 MMDR & S.303(2)	BHILWARA
4	CRLMP 3693/26	RATANLAL V/S RAJ.	Rule 54 & 60	IN- 31/03/2026 Demand order - 06/05/2026	27/26	SPOT	S.4/21 & S.303 (2) , BNS 112(2)	BHILWARA
5	CRLMP 3694/26	RAJMAL BHEEL V/S RAJ	Rule 54 & 60	31.03.2026	58/2026	TRANSIT	S. 4/21 MMDR & S.303(2)	BHILWARA
6	CRLMP 3817/26	GIRDHARI LAL V/S RAJ.	Rule 54 & 60	30.04.2026	Challan No.762421	TRANSIT	S. 207 MV ACT & S.4/21 MMDR	JODHPUR
7	CRLMP 3837/26	RANJEET SINGH V/S RAJ.	Rule 54 & 60	25/06/2026	71/26	TRANSIT	S. 4/21 MMDR & S.303(2)	BHILWARA
8	CRLMP 3850/26	LAXMAN SINGH V/S RAJ.	Rule 54 & 60	25/06/2026	73/26	TRANSIT	S.4/21 MMDR & S. 303(2)	BHILWARA
9	CRLMP 3904/26	OMPRAKASH JAT V/S RAJ.	Rule 54 & 60	18/05/2026	105/26	TRANSIT (PATROLLING)	S.4/21 MMDR & S. 303(2)	BHILWARA
10	CRLMP 3906/26	SURESH GUJAR V/S RAJ.	Rule 60(6)	20/05/2026	28/26	TRANSIT (ACCIDENT)	S.4/21 MMDR & S. 303(2)	BHILWARA
11	CRLMP 3911/26	BHANWAR SINGH V/S RAJ.	Rule 54 & 60	25/06/2026	53/26	TRANSIT	S.4/21 MMDR & S. 303(2)	BHILWARA
12	CRLMP 4081/26	GUMANA RAM V/S RAJ.	Rule 54 & 60	08/05/2026- 08/06/2026	58/26	TRANSIT (PATROLLING)	S.4/21 MMDR & S. 303(2) & 112(2) BNS	NAGAU
13	CRLMP 4084/26	RAMNIWAS VS RAJ	Rule 54 & 60	08/05/2026- 08/06/2026	58/26	TRANSIT (PATROLLING)	S.4/21 MMDR & S. 303(2) & 112(2) BNS	NAGAU



14	CRLMP 4159/26	RAMKUNWAR V/ S RAJ.	Rule 54 & 60	22/04/2026	RAJKAJ REF- 2175646 6	TRANSIT	S.4/21 MMDR & S.303(2),112(2)BNS	NAGAU
15	CRLMP 4470/26	KAPIL GODARA V/S RAJ.	Rule 54(5)	Confiscation proceedings initiated as per trial court order.	75/2026	TRANSIT	S.4/21 MMDR & S. 303(2)	NAGAU
16	CRLMP 4535/26	RAMSWAROOP V/S RAJ.	Rule 54(5)	16/02/2026 01/06/2026	46382	SPOT	S.4/21 & S/303 (2) , 112(2)	NAGAU
17	CRLMP 4538/26	HADMAN SINGH V/S RAJ.	Rule 54(5)/ 80	09/04//2026	12/2026 NAG.	SPOT	S.4/21MMDR	NAGAU
18	CRLMP 4540/26	HADMAN SINGH V/S RAJ.	Rule 54 & 60, 54(5)	09/04/2026 27/05/2026	12/26 1.6.26	SPOT	S.4/21MMDR	NAGAU
19	CRLMP 4541/26	GOPAL V/S RAJ.	Rule 54 & 60	25/06/2026	67/26 BHILWARA	TRANSIT	S. 4/21 MMDR & S.303 (2)	BHILWARA
20	CRLMP 4542/26	GOPAL V/S RAJ.	Rule 54 & 60	25/06/2026	77/26 BHILWARA	SPOT	S. 4/21 MMDR & S.303 (2)	BHILWARA
21	CRLMP 4545/26	SHIV CONST. COM. V/S RAJ.	Rule 54 & 60	15/04/2026	36/26	TRANSIT	S.4/21S. 303(2), 281, 125,1121(2) BNS	NAGAU
22	CRLMP 4554/26	CHAGANA BHIL VS RAJ.	Rule 60	Confiscation proceedings initiated as per trial court order.	93/2026	TRANSIT	S. 4/21 MMDR & S.303 (2)	BHILWARA
23	CRLMP 4556/26	RAMLAL V/S RAJ.	Rule 60	25/06/2026	114/26	TRANSIT & RANWAY	S. 4/21 & S. 303(2)	BHILWARA
24	CRLMP 4561/26	SITA DEVI V/S RAJ.	Rule 54(6)	Confiscation proceedings initiated as per trial court order.	83/2026	TRANSIT	S. 4/21 MMDR & S. 303(2)	BHILWARA
25	CRLMP 4576/26	GUMANA RAM V/S RAJ.	Rule 54 & 60	29/04/2026	85/26	TRANSIT	S.4/21 MMDR & S. 303(2)	NAGAU
26	CRLMP 4578/26	RAMLAL V/S RAJ.	Rule 54 & 60	29/04/2026 10/06/2026	86/26	TRANSIT	S.4/21 MMDR & S. 303(2)	NAGAU
27	CRLMP 4579/26	MS/ CHOYAL CONST. CO. V/S RAJ.	Rule 60(6)	05.05.2026	26.4.26	TRANSIT	S. 4/21 MMDR & S.303 (2) (CPI)	NAGAU
28	CRLMP 4583/26	DAYAL SINGH RANAWAT V/S RAJ.	Rule 60	25/06/2026	53/26	SPOT AT RIVER & LEFT TRACTOR & RANAWAY	S.4/21 MMDR & S. 303(2)	BHILWARA
29	CRLMP 4589/26	BABLU KHATIK V/S RAJ.	Rule 60	09.07.2026	106/26	SPOT & RUNWAY LEAVING VEHICLE ON SITE	S.4/21 MMDR & S. 303(2)	BHILWARA
30	CRLMP 4620/26	M/S RAM RATAN GEHLOT	Rule 54/60	21/05/2026	112/26	TRANSIT	S.4/21 MMDR & S.303(2)	JODHPUR
31	CRLMP 4640/26	M/S BALAJI ENTERPRISES V/S RAJ.	Rule 54(6)	01.05.2026	90/26	TRANSIT	S.4/21 & S. 303 (2)	JODHPUR
32	CRLMP 4643/26	CHOTU RAM V/ S RAJ.	Rule 54 & 60	15/05/2026	51/26	TRANSIT (TRUCK BREAK DOWN)	S.4/21 MMDR & S. 303(2)	NAGAU
33	CRLMP 4682/26	RAKESH KUMAR	Rule 54 & 60	10.03.2026	140/25	TRANSIT	S.4/21 MMDR & S. 303(2), 61(2)(A) BNS	BALOTRA
34	CRLMP 4724/26	SHAMBHOO LAL V/S RAJ.	Rule 54 & 60	24/06/2026 RAJKAJ REF. No.	88/26	TRANSIT	S. 4/21 MMDR & S. 303 (2)	CHITTROGA RH
35	CRLMP 4728/26	BARDICHAND V/S RAJ.	Rule 60	25/06/2026	25/26	INVOLVEMENT IN ILLIGAL MINING TRANSIT	S.4/21 MMDR & S. 303(2)	BHILWARA
36	CRLMP	GOPAL LAL V/S	Rule 54 &	31/03/2026	27/26	SPOT	S. 4/21 MMDR	BHILWARA



	4729/26	RAJ.	60				& 303(2)	
37	CRLMP 4730/26	GOPAL LAL V/S RAJ.	Rule 54 & 60	25/06/2026	84/25	TRANSIT	S. 4/21 MMDR & S. 303 (2)	BHILWARA
38	CRLMP 4733/26	MADANLAA V/S RAJ.	Rule 60(6) & 54 (6)	25/06/2026	83/25	TRANSIT	Sec. 497 BNSS & S.4/21 MMDR & S. 303 (2)	BHILWARA
39	CRLMP 4855/26	BABULAL V/S RAJ.	Rule 54	27/05/2026	66/26	SPOT	S.4/21/23 MMDR & S. 303 (2)	NAGAU
40	CRLMP 4865/26	RAMURAM GODARA V/S RAJ.	Rule 54 & 60	12.05.2026	23/26	SPOT	S.4/32/23 & S. 303(2)	JODHPUR
41	CRLMP 4866/26	KISHAN CHOUDHARY V/ S RAJ.	Rule 54 & 60	06.05.2026	47/26	TRANSIT/SOPT	S.4/21 MMDR & S. 303(2), 61(2)(A) BNS	BALOTRA
42	CRLMP 4874/26	HARASUKH RAM V/S RAJ.	Rule 54 & 60	08.06.2026	132/26	TRANSIT (NOKE)	S. 4/21 MMDR & S. 303(2)	JODHPUR
43	CRLMP 4908/26	MANISH V/S RAJ.	Rule 60(6)	22/06/2026	142/26	TRANSIT (PARKED) NOT IN MINES)	S.4/21 & S. 303 (2)	NAGAU
44	CRLMP 4912/26	PARIHAR CONST. CO. V/S RAJ.	Rule 54 & 60	06.07.2026	N/A	TRANSIT	S.4(1)&21 MMDR	UDAIPUR
45	CRLMP 4913/26	MOHIT GODARA V/S RAJ.	Rule 54 & 60	03.06.2026	91/26	TRANSIT	S.4/21 & S. 303 (2)	JODHPUR
46	CRLMP 4914/26	BHAJAN LAL V/ S RAJ.	Rule 54 & 60	11.06.2026	134/26	TRANSIT	S. 4/21 MMDR & S. 303 (2)	JODHPUR
47	CRLMP 4915/26	BHANWAR LAL V/S RAJ.	Rule 60	25/06/2026	105/26	INVOLVMENT IN ILLEGAL MINING	N/A	BHILWARA
48	CRLMP 4916/26	PRAKASH V/S RAJ.	Rule 54(6)	25/06/2026	136/26	SPOT RUNWAY LEAVING THE VEHICLE	S.207 MV ACT	BHILWARA
49	CRLMP 4917/26	SHOBA LAL JAT V/S RAJ.	R.54 & 60(6)	25/06/2026	N/A	INVOLVEMENT IN ILLIGAL MINING	RULE 54(6) by dept & 60(6) by court interfere	BHILWARA
50	CRLMP 4918/26	SURENDRA SINGH V/S RAJ.	Rule 54(6)	25/06/2026	84/26	TRANSIT	S. 4/21 MMDR & 303(2)	BHILWARA
51	CRLMP 4942/26	M/S SHRIRAM ENT V/S RAJ.	Rule 54 & 60	30/04/2026	91/26	TRANSIT(PATROLL ING)	S.4/21 MMDR & S. 303(2)	NAGAU
52	CRLMP 4944/26	SHOBHA V/S RAJ.	Rule 54 & 60	08.06.2026	132/26	TRANSIT	S.4/21 MMDR & S. 303(2)	JODHPUR
53	CRLMP 4945/26	RUDRA SINGH V/S RAJ	R.54 & 60(6)	01.06.2026	131/2026	TRANSIT	S.4/21	JODHPUR
54	CRLMP 4948/26	INSAF KHAN V/ S RAJ.	Rule 54 & 60	25/05/2026	N/A	TRANSIT	S.207 MV ACT	JODHPUR
55	CRLMP 4949/26	SHYAM LAL V/S RAJ.	Rule 54 & 60	08.06.2026	131/26	TRANSIT	S.4/21 MMDR & S. 303(2)	JODHPUR
56	CRLMP 4950/26	SHYAM LAL DEWASI VS RAJ	Rule 54 & 60	08.06.2026	131/26	TRANSIT	S.4/21 & S. 303(2)	JODHPUR
57	CRLMP 3920/26	PHUSARAM V/S RAJ	Rule 54 & 60	NOTICE NO- 22089085 08/05/26	46/26	TRANSIT	S.4/21 MMDR & 303(2) BNS	BALOTRA
58	CRLMP 3921/26	BARAGANT KHAN V/S RAJ	Rule 54 & 60	NOTICE NO 22088285 08/05/2026	46/26	TRANSIT	S.4/21 MMDR & S. 303(2) &61(2)(A)	
59	CRLMP 4568/26	SHADEV V/S RAJ	Rule 54 & 60	20/05/2026	CRNO- 77/26	TRANSIT	S.4/21 MMDR & S. 303(2)	JODHPUR
60	CRLMP 4928/26	MUKESH V/S RAJ	Rule 54 & 60	26/05/2026	111/2026	TRANSIT	S.4/21 MMDR & S. 303(2)	JODHPUR



61	CRLMP 5174/26	JITENDRA V/S RAJ	Rule 54 & 60	Confiscation proceedings initiated as per trial court order.	Fard No.829953	TRANSIT	MV ACT	JODHPUR
62	CRLMP 5526/20 26	RAMSWAROOP VS RAJ	Rule 54 & 60	23.06.2026	FARD NO.0829824	TRANSIT	S. 207 MV ACT	JODHPUR METROPOLI TAN
63	CRLMP 3671/20 26	OMA RAM VS RAJ	Rule 54 & 60	24.04.2026	46/2026	TRANSIT	S.303(2), 61(20(A) BNS, 4,21	BALOTRA
64	CRLMP 5516/20 26	VIJENDRA CHOUDHARY VS RAJ	Rule 54 & 60	Confiscation proceedings initiated as per trial court order.	SEIZURE REPORT	TRANSIT	207 MV ACT	JODHPUR
65	CRLMP 1581/20 25	OM PRAKASH VS RAJ	Rule 54, 56 & 60	Confiscation proceedings initiated as per trial court order.	188/2024	TRANSIT	NA	JODHPUR
66	CRLMP 4145/20 26	SANCHAY VS RAJ	RULE 54 & 60	15.04.2026	25/2026	TRANSIT	S.303(2) BNS, 21 MMDR	DUNGARPU R
67	CRLMP 5286/20 26	GHANSHYAM SUTHAR VS RAJ	Rule 54 & 60	22.5.2026	118/2026	SPOT	S.303(2) BNS, 4/21	JODHPUR METRO
68	CRLMP 4996/20 26	BABULAL VS RAJ	Rule 54 & 60	29.05.2026	CHALLAN NO 0829758/20 26	SPOT	207 MV ACT	JODHPUR METRO
69	CRLMP 5113/26	KESHU RAM VS RAJ	Rule 54 & 60	Seized on 18.03.2026 by Dept. Demand raised. Not deposited.	NA	TRANSIT	RULE 54(3)	BIKANER
70	CRLMP 5036/20 26	KALYAN SINGH VS STATE	Rule 54 & 60	02.06.2026	75/2026	TRANSIT	S.303(2) BNS, 4/21	BHILWARA
71	CRLMP 4569/26	SUKHA RAM V/ S RAJ	Rule 60(6)	03.07.2026	90/2026	TRANSIT	S. 4 & 21 OF MMDR& S.- 303(2) BNS	NAGAU R
72	CRLMP 4571/26	SUKHA RAM V/ S RAJ	Rule 54,56 &57	10.06.2026	87/26	TRANSIT	S.4/21 MMDR & S. 303(2)	NAGAU R

16. The learned AAG further submits that the issue pertaining to the seizure of vehicles by the Police as well as by the Mining Department has already been considered by a Co-ordinate Bench of this Court in **Jitendra Meena** (*supra*), wherein it was observed that persons involved in illegal mining are required to be dealt with at par and in either case the vehicle can be released only upon deposit of the prescribed compounding fee, the compensation determined by the NGT and the cost of the mineral.



17. It is further submitted that the Co-ordinate Benches of this Court in ***Kishore Singh*** (*supra*) and ***Giriraj Meena*** (*supra*) have also observed that where confiscation proceedings have been initiated in respect of a seized vehicle, the same cannot be released without ensuring payment of the dues payable in accordance with law. Where confiscation proceedings have not yet been initiated, the Magistrate is required to impose an appropriate condition for furnishing a bank guarantee so as to secure the statutory dues that may become payable upon conclusion of such proceedings. It is, therefore, submitted that, in view of the law laid down in the aforesaid judgments, vehicles seized in connection with cases of illegal mining are required to be treated at par and can be released only upon securing payment of the penalty payable under the MMCR Rules. Any differential treatment in this regard would be contrary to the ratio laid down by this Court in ***Jitendra Meena*** (*supra*).

18. The learned AAG has also placed reliance upon the judgment rendered by the Division Bench in ***Khem Singh v. State of Rajasthan & Ors.***, (D.B. Civil Writ Petition No. 4239/2019), wherein it was observed that the Principal Secretary, Mines Department, in consultation with the Police Department and the Transport Department, shall formulate a policy to ensure a uniform approach in dealing with cases relating to illegal mining and transportation. Pursuant to the aforesaid directions, the State Government framed comprehensive guidelines dated 05.03.2021 prescribing the procedure to be followed in confiscation proceedings arising out of cases of illegal mining and



transportation. The learned AAG has produced the same for the perusal of the Court.

19. The guidelines provide that, upon seizure of the vehicle, the authorised officer is required to issue a notice to the owner or transporter of the seized vehicle or mineral, granting 15 days time to submit an explanation. In the event no satisfactory explanation is received within the stipulated period, demand is determined and notice for recovery of the amount/penalty calculated in accordance with the provisions of the MMCR Rules is issued, along with the notice for initiation of confiscation proceedings. And upon failure to deposit, the application for orders of confiscation are filed before the competent court. Whereas under Rule 60 the order are passed by the authorised officer of the department.

20. In these circumstances, the learned AAG submits that the impugned orders do not suffer from any illegality or infirmity warranting interference by this Court, and accordingly the present criminal miscellaneous petitions deserve to be dismissed.

21. This Court has considered the submissions advanced by learned counsels for the parties and perused the material available on record.

22. Before proceeding further, it would be appropriate to reproduce the relevant provisions of Rules 54 and 60 of the MMCR Rules :

54. Illegal mining, transportation and storage of minerals.-

(1) No person shall undertake any prospecting or mining operations in any area without holding any mineral concession, permit or any other permission granted or permitted under these rules, as the case may be and shall not dispatch mineral from the mines, except from the quarry licenced area or bricks, without valid rawanna or transit pass.



(2) No person shall transport or store or cause to be transported or stored any mineral otherwise than in accordance with the provisions of these rules.

(3) Whoever contravenes the provisions of sub-rule (1) and (2) shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to five lacs rupees, or with both:

Provided that the Additional Director Mines, Superintending Mining Engineer, Superintending Mining Engineer(vigilance), Mining Engineer, Mining Engineer (vigilance), Assistant Mining Engineer, Assistant Mining Engineer (vigilance), Mines Foreman, Surveyor or any other officer or official authorised by the Government, Director or Additional Director Mines may either before or after the institution of the prosecution, compound the offence committed in contravention of the sub-rule (1) and (2) on payment of cost of mineral and compound fee as mentioned below:-

Sr. No	Vehicle/Equipment	Compound fee (in Rs.) per unit
1	2	3
1.	Tractor trolley	Twenty five thousand
2.	Half Body Truck	Fifty thousand
3.	Full Body Truck, Dumpers, Trolly, Wire saw, crane, excavator, loader, power hammer, compressor, drilling machine etc.	One lacs

Note: Cost of the mineral shall be taken as ten times of royalty in lieu of rent, royalty, compensation for environmental degradation and tax chargeable on the land occupied without lawful authority, etc..

Provided that the amount of compound fee in cases other than specified as above shall not be less than rupees twenty thousand and shall be in addition to the cost of mineral.

(4) Where any person trespasses on any land in contravention of the provisions of sub-rule (1), such trespasser may be served with an order of eviction by the Additional Director Mines, Superintending Mining Engineer, Superintending Mining Engineer (vigilance), Mining Engineer, Mining Engineer (vigilance), Assistant Mining Engineer, Assistant Mining Engineer (vigilance), District Collector, Sub-Divisional Officer, Tehsildar, Deputy Conservator of Forest (in forest land), Assistant Conservator of Forest (in forest land), Regional Forest Officer (in forest land), Revenue Intelligence Officer of State Directorate of Revenue Intelligence (SDRI), Mines Foreman, Surveyor or any other officer or official authorised by the Government, Director or Additional Director Mines in this behalf.

(5) Whenever any person, without a lawful authority, raises any mineral from any land other than under any mineral concession or any other permission and for that purpose bring on the land any tool, equipment, vehicle or other thing, such tool, equipment, vehicle etc. along with mineral, if any, may be seized by the authorities mentioned in sub-rule (4) who shall give a receipt to the person from whose possession the property or mineral is seized:

Provided that every officer seizing any property or mineral under this rule may handover the property or mineral so seized to the nearest police station or police chauki.

Provided further that the seized vehicle, equipment or mineral may be released after deposition of cost of mineral along with the compound fees as specified in sub-rule (3).





Provided also that where mineral so raised has already been dispatched or consumed, the authorities mentioned in sub-rule (3) shall recover cost of mineral along with the compound fees as specified in sub-rule (3).

Provided also that where vehicle, equipment or mineral so seized is not released, the officer seizing the property or mineral shall make a report of such seizure within seventy two hours to his superior officer and to the Magistrate having jurisdiction.

(6) All property seized under this rule shall be liable to be confiscated by an order of Magistrate if the amount equal to ten times of royalty in lieu of cost of mineral, rent, royalty, compensation for environmental degradation and tax chargeable on the land occupied without lawful authority, etc. is not paid by the trespasser within a period of three months from the date of commission of such offence or when the recoveries are not affected by that time:

Provided that on payment of these dues within the said period of three months, all properties seized shall be ordered to be released and shall be handed over to the trespasser or the owner of the property.

(7) Where the person committing an offence under these rules is a company registered under Companies Act, every person who at the time when the offence was committed, was incharge and was responsible to the company for conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be prosecuted and punished accordingly:

(8) The mines, revenue, police and transport department shall made coordinated efforts to vigil illegal mining or transportation of the mineral.

60. Establishment of check posts or barriers and inspection of minerals in transit and weighment.-

(1) To prevent or check the evasion of royalty, the Mining Engineer or Assistant Mining Engineer concerned may direct to establish check post or barrier at such place and for such period as may be specified in the order.

(2) The Director, Additional Director Mines, Superintending Mining Engineer, Mining Engineer, Mining Engineer (vigilance), Assistant Mining Engineer, Assistant Mining Engineer (vigilance), Mines Foreman, Surveyor, Field Assistant, Nakedar or any other officer or official authorised by the State Government, Director or Additional Director Mines may check a vehicle carrying the mineral at any place and the owner or the person in charge of the vehicle shall furnish a valid rawanna or transit pass or royalty receipt duly authenticated by the department in the specified form and any other documents or particulars as demanded by such officer.

(3) At every check post or barrier set up under sub-rule (1) or at any other place when so required by the officer incharge of the check post or officers or officials empowered in sub-rule (2), the owner or any person incharge of the vehicle shall stop the same, get the minerals contained therein weighed, shall pay weighing charges as fixed by the Government, from time to time and shall keep the vehicle stationed so long as may reasonably be necessary and allow officer in charge of the check post or such officer to examine the minerals in transit and also inspect all records relating to the minerals in possession of such owner or other person. The owner or person incharge of the vehicle shall, if so required by the officer in charge of the check post or any other officer, so empowered give his name and address as also that of the owner of the vehicle and the name and address of the consignor and the consignee. After checking the minerals and vehicle, the officer incharge of the check post or such officer shall put his signature on the rawanna, transit pass or royalty receipt so as to avoid any further checking at another check post.





(4) Every owner or person incharge of a vehicle shall carry with him a valid rawanna, transit pass or royalty receipt duly authenticated by the department in respect of the mineral carried and shall produce the same before any officer incharge of a check post or other officer or official empowered under sub-rule

(2). Explanation: Mineral shall not cease to be mineral by reason of being subjected to any process like crushing, breaking, drying, pulverizing, calcinising or any other procedure intended to make the mineral fit or suitable for sale or consumption.

(5) Where the officer incharge of the check post or any other officer or official empowered under sub-rule (2) above has a reason to believe that royalty is likely to be evaded in respect of any mineral liable to be assessed for royalty, such officer may require the owner or person incharge of the vehicle to pay an amount equal to ten times of royalty in lieu of cost of mineral, rent, royalty, compensation for environmental degradation and tax chargeable on the land occupied without lawful authority, etc. along with compounding fee as specified in sub-rule (3) of rule 54:

Provided that where on weighment or by measurement at the check post, it is found that the entire quantity of mineral is not covered by the rawanna, the amount of royalty on such difference, shall be recovered by the officer incharge of the check-post.

(6) The officer incharge of the check post or the officer or official empowered under sub-rule (2) shall have the power to seize and confiscate mineral alongwith vehicle which is not covered by a valid rawanna, transit pass or royalty receipt duly authenticated by the department, if the owner or person incharge of the vehicle refused to make payment as required under sub-rule (5), the seized vehicle alongwith mineral shall be handed over to the incharge of nearest Police Station, Police Chauki or departmental check post. The officer incharge of the check post or any officer or official empowered in this behalf shall give a receipt of such mineral alongwith vehicle seized by him to the person from whose possession or control it is seized. The officer incharge of the check post or any officer or official empowered under sub-rule (2) may direct the owner or person incharge of the vehicle to carry the vehicle alongwith mineral, so seized, to the nearest Police Station, Police Chauki or departmental check post.

(7) Whenever an order of confiscation in respect of mineral alongwith vehicle seized under sub-rule (6) is made by an officer or official empowered by the Government in this behalf, such officer shall give an option to the owner or incharge of the vehicle to pay an amount as specified in sub-rule (5) in lieu of such confiscation. In case of failure of the owner or person incharge of the vehicle to avail such option, the confiscated material may be disposed off by the confiscating officer or any other officer authorised in this behalf by public auction or he may sell it directly at the rate prevalent in the adjacent area:

Provided that no such mineral alongwith vehicle confiscated under sub-rule (6) shall be disposed off by the confiscating officer or any other officer authorized in this behalf before forty eight hours of such confiscation and till that time option shall remain with the owner or person incharge of the vehicle to carry the mineral after paying an amount as per sub-rule (5).

(8) The Director may authorize any electronic weigh bridges established in the State by third parties for weighment of mineral, on such conditions as may be specified.

(9) The mineral concession holder or registered weigh bridge owner shall allow authorities mentioned in sub-rule (4) of rule 54 at any time or times during the said term to examine and test every weighting machine and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if any ambiguity is found, the same shall be rectified by the mineral concession holder or registered weigh bridge owner.





23. The question relating to the release of vehicles involved in illegal mining has drawn the attention of this Court on several occasions. This Court would first refer to the judgment of the Division Bench in ***Laxman v. State of Rajasthan (DBCRLMP No. 60/2018 decided on 06.04.2018)***, wherein the issue regarding the jurisdiction of the Magistrate to release seized vehicles under Sections 451 and 457 of the Code of Criminal Procedure, 1973 (now Section 503 of the BNSS), was considered in the context of the provisions of the MMDR Act and the MMCR Rules.

24. The Division Bench in the case of ***Laxman (supra)*** held that once the seizure of a vehicle is reported to the jurisdictional Magistrate by the authorised officer, the Magistrate only is competent to exercise powers under Sections 451 and 457 CrPC (now Section 503 BNSS) and may order release of the vehicle with or without requiring deposit of the compounding amount. The relevant paragraphs are reproduced hereunder:-

"Most of the judgments cited by learned counsel appearing from the side of the petitioners have ruled in favour of the jurisdiction of the Magistrate to release the vehicles under the provisions of Section 451 and/or 457 of the Cr.P.C. A discordant note has however been sounded by Single Bench judgment in Ramswaroop's case, which was later followed in Mala Ram's, *supra*. These judgments, in view of the analysis of law which we have made herein-above, do not lay down correct law. In fact, the same Single Judge, who delivered the judgment in Ramswaroop's case on 28.08.2015, in his earlier judgment dated 26.10.2012 in Muknaram Vs. State of Rajasthan – S.B. Criminal Misc. Petition No.3285/2012, had held that in a case in which offence has already been compounded by the competent authority and an amount has been imposed as compounding fees and the same has not been paid or deposited by the person concerned, for the purpose of recovery or realization of the same, a condition can be imposed by the Court while ordering release of the vehicle to pay or deposit the same and the Court can refuse to release the seized vehicle even temporarily under Section 457 Cr.P.C., if such deposit is not made.

In view of the above discussion, the referred questions are answered in the terms that once the Officer of the Mining Department, who seized the vehicle, has reported such seizure to his Superior Officer and to the Magistrate having jurisdiction, he





shall cease to have the power to release the vehicle, and in that event, the Magistrate having jurisdiction would be empowered to release such vehicle, with or without the condition of deposit of compounding fee.

We accordingly answer the reference.

Office to place a copy of this judgment in all connected files. Matters may now be placed before the concerned Bench for appropriate orders."

25. Similarly, the Co-ordinate Bench of this Court in *Muknaram v. State of Rajasthan* (CRLMP No. 3285/2012), decided on

26.10.2012, held that once compounding charges have been imposed by the authority, for recovery of the same the court can impose the condition and refuse to release the seized vehicle without payment of the same, even temporarily. Even though other modes of recovery are provided under the MMDR Act and the relevant Rules. The Court observed that release of the vehicle without imposing reasonable conditions would confer an undue advantage upon the person concerned by enabling release of the vehicle without payment of the compounding amount. The court observed as under :-

".....But a question may arise what will be the position if the amount so imposed is not paid by the person concerned. Whether in such a situation the seized vehicle can be released without pay mentor deposit of such amount or whether a condition can be imposed by the Court while ordering release of the vehicle that the amount so imposed is to be paid by the applicant. I am of the considered view that there is no impediment in imposing such condition by the Court. Although, the compounding amount so imposed may be recovered in accordance with the procedure provided in Section 25 of the Act read with Rule 66 of the Rules as an arrears of land revenue, but at the same time the amount can also be recovered by any other legally permissible mode including payment of the same as a condition precedent while ordering release of the seized vehicle. Thus, where no more proceedings or further proceedings are required to be taken against the person concerned, it is not unreasonable to impose such condition while ordering release of the seized vehicle so as to realise or facilitate realization of compounding amount. In the present case, as the offence has already been compounded, no further proceedings including proceedings for confiscation of the aforesaid vehicle can legally be taken against the petitioner and if in such a situation the seized vehicle is released without imposing some reasonable condition the petitioner will be unreasonably benefited as he will get the possession of the vehicle without paying the compounding amount and no proceedings including proceedings for confiscation





of the vehicle can be taken against him. Although, according to sub-rule (6) of Rule 48 of the Rules the vehicle can be released on the execution of the bond, but that can be done only when offence is not compounded and proceedings or further proceedings in regard to the offence and confiscation proceedings are required to be taken and production of the released vehicle is required during such proceedings but if the offence has already been compounded it will of no use to take such bond, as the property would not be required to be produced. It is to be noted that according to sub-rule (7) of Rule 48 of the Rules all 4property seized under the rule is liable to be confiscated by an order of the Magistrate trying the offence if the amount mentioned therein is not paid by the trespasser within a period of three months from the date of commission of such offence or when the recoveries are not effected by that time. It is clear that confiscation proceedings can be taken under this provision when amount referred thereunder is not paid.

The net result of all this discussion is that in a case in which offence has already been compounded by the competent authority and an amount has been imposed as compounding fees and the same has not been paid or deposited by the person concerned, for the purpose of recovery or realization of the same, a condition can be imposed by the Court while ordering release of the vehicle to pay or deposit the same and the Court can refuse to release the seized vehicle even temporarily under Section 457 Cr.P.C. In view of the above, no illegality or perversity can be said to have been committed by the Courts below in dismissing the application filed by the petitioner. Consequently, the misc. petition being meritless is, hereby, dismissed."

26. Again, the matters relating to the seizure of vehicles under the Forest Act and the Mines Act came up for consideration before the learned Single Bench of this Court in **Kishore Singh** (*supra*). The learned Single Judge after examined the provisions of the MMCR Rules, 2017, as well as the Rajasthan Forest Act, 1953, held that once confiscation proceedings have been initiated, no delivery of possession of the property can be made, whereas, in cases where no confiscation proceedings have been initiated, the vehicle can be released upon furnishing a bank guarantee equivalent to the amount of compensation/compounding fee. However the question as to what particular act or stage constitutes initiation of confiscation proceedings was not specifically determined therein. The Court observed as under:-

"25. This Court, on a careful examination of the precedent laws in an intricate manner, finds that the precedent laws of **Sunderbhai Ambalal Desai & Ors. Vs. State of Gujarat** (*supra*) and





Adhikshak Rashtriya Chambal Abhyaran Vs. Narottam Singh (supra), as laid down by the Hon'ble Supreme Court, shall govern the field, and thus, the vehicles seized under the mining law and the forest law, shall be released, upon charging the compensation/compounding fee or without charging the compensation/compounding fee, only and only, if the confiscation proceedings in regard thereto have not been initiated by the State authorities. It is to be noted that both mining and the forest laws have the provisions for confiscation proceedings.

26. It is also observed that until the confiscation proceedings are initiated, the Magistrate concerned shall have the power to release the vehicle(s) with or without condition of deposition of compensation/compounding fee, but the Magistrate concerned shall be required to impose a condition of furnishing of a bank guarantee, so as to secure the compensation/compounding fee, if required to be levied in future, after completion of the proceedings.

27. It is made clear that once the confiscation proceedings are initiated, the possession, delivery, disposal or distribution of the property cannot be made, in view of the law laid down in Adhikshak Rashtriya Chambal Abhyaran Vs. Narottam Singh (supra).

28. Thus, while parting with the present controversy, it is directed that all the police stations shall release the vehicles in question, may it be tractor, trolley, truck, dumper to the registered owners of the said vehicles, after confirming from the respective Department that there is no confiscation proceeding, under the mining or forest laws, going on in regard to the vehicles in question.

29. To ensure that after undergoing the proceedings, the concerned parties i.e. registered owners of the vehicles in question shall be paying the requisite compensation/compounding fee, it is directed that the active bank guarantee, equivalent to the compensation/compounding fee, shall be deposited by the registered owners before the trial court before release of the vehicles in question.

30. It is also directed that after such bank guarantee equivalent to the compensation/compounding fee is deposited before the trial court concerned, to which the concerned police station is attached, the trial court concerned shall be required to keep such bank guarantees intact, until the final conclusion of the proceedings, and until the final conclusion of such proceedings is done by the competent courts, the bank guarantee shall remain subject to it and the orders passed at the end of the proceedings by the concerned trial court shall govern disposal of the bank guarantee."

31. It is further made clear that the petitioners shall be required to furnish photographs of their respective vehicles, showing their numbers, colours etc. Furthermore, at the time of release of the vehicles in question, the petitioners shall give an undertaking before the concerned learned trial court alongwith bank guarantee, as directed, that they shall not use such vehicles for any illegal and unlawful purpose, and in case any second offence, by means of the vehicles, is made out, then the same shall not be released, on any condition, until the confiscation proceedings come to an end."

27. Although the vehicles were involved in illegal mining and were found transporting such minerals, different parameters were being adopted while considering their release, depending upon whether the vehicles had been seized by the Police or by the Mining Department. Hence, in ***Jitendra Meena v. State of***





Rajasthan (supra), the Co-ordinate Bench of this Court took cognizance of this discrepancy and considered the issue. The petitions were directed against the rejection of applications for release of vehicles under Sections 451 and 457 Cr.P.C. The learned Co-ordinate Bench categorised the cases into two categories: the '**first category**' comprised of cases where criminal proceedings had been initiated and the vehicles had been seized by the Police, or under the Motor Vehicles Act, whereas the '**second category**' comprised cases where vehicles were seized by mining department and proceedings under Rules 54 and 60 of the MMCR Rules had been initiated. The Court held that both categories of cases were required to be treated at par and that the seized vehicles could be released only upon deposit of the prescribed compounding fee, the cost of the mineral and the compensation determined by the NGT, and could not be released merely upon furnishing surety/personal security. It was, however, clarified that, in cases where criminal proceedings had been initiated, if the owner of the vehicle did not wish to compound the offence and intended to contest the criminal case, he could be exempted from depositing the compounding fee, nevertheless, the cost of the mineral and the compensation determined by the NGT would still be required to be deposited. The Court observed as under:-

"2. First part of the present bunch of cases pertains to:

A. Vehicles seized by the police under Section 379 of IPC and Section 4/21 of the Mines and Minerals (Development And Regulation) Act, 1957 (hereinafter referred to as "the Act of 1957");

B. Vehicles seized under Motor Vehicles Act;

C. Vehicles seized under Section 38 of the Police Act and Rajasthan Minor Mineral Concession Rules, 2017 (hereinafter referred to as





"the Rules of 2017") (hereinafter referred to as "the first category of cases").

3. Second part of the present bunch of cases pertains to cases where the vehicles have been seized by the Mining Department under Section 4/21 of the Act and are being dealt with in accordance with Rules 54 & 60 of the Rules of 2017 (hereinafter referred to as "second category of cases").

17. In the first category of cases, seizure was made by the police authorities and the course laid down under Section 451 Cr.P.C. and Section 457 Cr.P.C. pertaining to release or delivery of vehicles was resorted to. It was brought to the notice of the Court that in the first category of cases, neither fine as determined by NGT was being imposed nor any cost of mineral was being recovered.

18. The Apex Court has observed in Jayant Etc. (supra) that it is the duty cast upon the State to restore the ecological imbalance and to stop damage being caused to the nature. If vehicle is released only on taking surety, it would be encouraging illegal mining.

19. Taking note of the rampant illegal mining and ecological imbalance as well as damage being caused to the nature as a consequence of it and to maintain parity between the persons whose vehicles are seized by the Mining Department and the Police Department, this Court in applications pertaining to the first category of cases deems it appropriate to allow the applications for release of vehicles subject to the following conditions:

i) Petitioners shall deposit the compounding fees, the compensation as determined by the NGT and cost of the mineral with the Mining Department.

ii) Petitioners shall submit proof of such deposit before the concerned Court.

iii) Petitioners shall submit an undertaking to the Court below that in future they would not indulge in any illegal mining and/or illegal transportation of mineral and that if in future, the Apex Court imposes any condition, they would comply with the same.

If the above conditions are fulfilled, the concerned Court shall drop the proceedings and issue release order. The proceedings in the criminal case shall stand disposed.

20. The contention of the counsel for the petitioners that they are ready to face the trial and no condition should be imposed against them for release of the vehicles and the vehicles be released only on surety, cannot be accepted for the very reason that the Court is bound to see that parity is done.

21. It is made clear that if a person wishes to contest the criminal case, still the vehicle(s) would only be released on depositing of compensation as determined by the NGT and cost of mineral. In such cases, since the offence is not being compounded, compounding fee would not be collected and criminal case would proceed.

22. It is brought to the notice of this Court that in certain cases, in one FIR, many vehicles are seized. It is made clear that in such cases also, if the above-mentioned conditions are fulfilled, then the FIR qua the petitioner(s), would stand disposed.

23. For removal of doubt, it is made clear that compounding of the offence by the Court below would cover only those cases falling under Categories A, B & C of the "first category".

24. Now dealing with the matters wherein vehicles have been seized by the Mining Department i.e. "the second category". Counsel appearing for second category of cases have agreed for orders on similar lines as that of first category."



28. The principle laid down in the judgment of **Kishore Singh** (*supra*) was followed by the co-ordinate benches in **Narayan Gadri** (*supra*) and in **Chaina Ram** (*supra*). In **M/s Mahadev Construction v State** the co-ordinate bench has ordered release of the vehicle on personal security/supurdginama and surety only, but however there were no proceedings of confiscation or otherwise initiation by the mining department in that case, as the court records in para 7 that even notice were not given by the mining department, and only the question of criminal prosecution was considered.

29. However, the subsequent judgment of the Co-ordinate Bench of this Court in **Girraj Meena passed on 06.10.20125**, after considered the earlier decisions in **State of Raj. v Jagdish, Jitendra Meena, Narayan Gadri** and **Sunderbhai Ambalal Desai (supra)**, also reiterated that where confiscation proceedings had been initiated, the vehicle shall only be released on payment of penalty and compounding fee. Whereas, in cases where no confiscation proceedings had yet been initiated, it was directed that vehicle be released subject to furnishing a bank guarantee equivalent to the said amount. This Court in **Giriraj Meena** (*supra*) observed as under :-

"12. Thence, in light of the directions and guidelines spelled out in **Sunderbhai Ambalal Desai (supra)**, **Basvva Kom Dyamangouda Patil (supra)**, **General Insurance Council (supra)**, **State of Madhya Pradesh Vs. Madhukar Rao: (2008) 14 SCC 624** and **Manjit Singh vs. State: 2013 (5) SCC 746** the present petitions are disposed of with the following directions:

12.1 That in case the confiscation proceedings have been initiated, the vehicle shall then be released only on payment of penalty and compounding fee. However, if it is found that no confiscation proceeding have yet been initiated, and it is merely an appeal pending, against the penalty/compounding order passed by the officer concerned, liberty in that case is granted to the petitioner to





approach the competent Court by filing a fresh application for release of vehicle on supurdigi.

12.2 To ensure that after undergoing the proceedings, the concerned parties i.e. registered owners of the vehicles in question shall be paying the requisite compensation/compounding fee, it is directed that the active bank guarantee, equivalent to the compensation/compounding fee, shall be deposited by the registered owners before the trial court before release of the vehicles in question. It is also directed that after such bank guarantee equivalent to the compensation/compounding fee is deposited before the trial court concerned, to which the concerned police station is attached, the trial court concerned shall be required to keep such bank guarantees intact/ongoing/renewed, until the final conclusion of the proceedings; and until the final conclusion of such proceedings is done by the competent courts, the bank guarantee shall remain subject to it and the orders passed at the end of the proceedings by the concerned trial court shall govern disposal of the bank guarantee.

12.3 Upon doing so, the same shall be released on furnishing a bond of an amount equivalent to the current value of impounded vehicle. Current value shall be as per the satisfaction of the learned competent Court dealing with the fresh application, if any when filed. Other conditions shall also be imposed by the learned trial court, as per the aforementioned judgments.

12.4 Further it is expected that the petitioner shall not sell, alienate or create any third-party interest in the vehicle during the pendency of the trial; submit photographs of their respective vehicles, showing their names, colours etc., and shall produce the vehicle before the Court or Investigating Officer as and when directed. It is also expected that the petitioner shall ensure that the vehicle is not used in commission of any offence in future.

12.5 In event of violation of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the interim release, in accordance with law.

13. Accordingly, the present batch of petitions is disposed of with aforementioned directions being granted. Pending applications, if any, shall stand disposed. "

30. The Division Bench, while considering the issue relating to the release of vehicles seized in cases of illegal mining in ***Khem Singh v State of Raj. (DBCW 4239/2019)***, observed that the release of vehicles involved in illegally mined *Bazari* should not be automatic. The Magistrate while directing the release of such vehicles, should invariably levy compounding fee as well as the fee/fine imposed by NGT. As per the direction of the Division Bench the State Government framed guidelines prescribing a uniform procedure for vehicles found involved and seized in illegal mining/transportation of mineral. As per which against all such



vehicles department action of confiscation is initiated after the vehicles are seized.

31. The Hon'ble Apex Court, while considering the challenge to the order passed by the learned Single Judge directing the release of the vehicle merely on furnishing personal security and subject to certain conditions, without payment of the requisite statutory dues, in ***State of Rajasthan v. Jagdish Prasad*** (*supra*), set aside the order passed by the High Court and directed that the vehicle be released only upon deposit of the prescribed compounding fee, the cost of the mineral and the penalty/environmental compensation as determined by the NGT, in accordance with the applicable provisions of the MMCR Rules, 2017. The Court observed as under:-

"Leave granted SLP(Crl.) No(s). 106-107/2021, SLP(Crl) No(s). 146/2021, SLP(Crl) No(s). 1679-1691/2021, SLP(Crl) No(s). 1065-1069/2021, SLP(Crl) No(s).1063-1064/2021, SLP(Crl) No(s).4477-4478/2021, SLP(Crl) No(s).286/2021, SLP(Crl) No(s). 1613-1614/2021, SLP(Crl) No(s).312/2021 and SLP(Crl) No(s).1042/2021.

In these group of appeals, the High Court has directed for release of the seized vehicles on furnishing personal security for an amount of Rupees One Lakh and imposing certain other conditions to be followed by the vehicle owners. The State of Rajasthan has assailed the said order(s) stating that the High Court committed an error in directing release of the vehicles contrary not only to the statutory provisions but also not conforming to the directions issued by the National Green Tribunal (NGT) with regard to release of vehicles seized under Rules 54 and 60 of the Rajasthan Minor Mineral Concession Rules 2017 (Rules 2017).

Our attention has been drawn to the objection filed by the State of Rajasthan in response to the applications under Section 457 of the Criminal Procedure Code for custody of the vehicles. In one of the cases, according to paragraph no. 2 of the said objection, the amount quantified under the Rules 2017 and by the NGT has been mentioned.

The said paragraph no. 2 is reproduced as follows :

"2. That upon the said vehicle under Rule 54, 60 of the R.MMCR Rules, 2017 compound fees of Rs. 25,000/- and Rs. 3500/- (10 fold of the royalty of the seized mineral cost) and as per point No. 5 of the order dated 19.02.2020, passed by the Hon'ble National Green Tribunal, New Delhi the penalty amount of Rs. 2,00,000/- for environment improvement, in this way total amount of





Rs. 2,28,500/- is to be recovered, which has not been deposited by the applicant.

In view of the above, we set aside the order(s) of the High Court and provide that the vehicles would be released as and when the vehicle' owners make the required deposit mentioned as per the above paragraph no. 2, if the complaint is under the Rules (2017). The above rates would be applicable only where the complaint is under the Rules 2017.

The appeals stand allowed as above.
Pending application(s), if any, shall stand disposed of"



32. The National Green Tribunal (NGT), in Original Application No. 360/2015, National Green Tribunal Bar Association v. Virender Singh (State of Gujarat), order dated 05.04.2019, while considering the issue of protection from unregulated sand mining in the States, considered the quantum of compensation payable by persons involved in illegal mining on the basis of the principle of **"polluter pays"**. The NGT held that, in cases involving illegal mining, the vehicles used therein are liable to be proceeded against in accordance with law and may be released upon payment of 50% of the showroom value of the vehicle. However, the order dated 05.04.2019 was subsequently modified by the NGT vide order dated 19.02.2020, whereby a revised rate was prescribed in paragraph 5 thereof. The relevant portion of the said order is reproduced hereunder:-

"5.Having regard to the above practical difficulty, we modify the orders dated 05.04.2019 and 26.07.2019 as follows:

Sr. No	Category of Vehicle	Penalty amount
1.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	Rs. 4 lacs
2.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years old but less than 10 years old.	Rs. 3 lacs
3.	For the remaining Vehicles older than 10 years /Equipments/Excavators which are otherwise legally permissible to be operated and not covered by serial no. 1 and 2	Rs. 2 lacs
Note- I: On repetition of the offence by the same vehicle/		



equipment, Order dated 05.04.2019 will be applicable.
 Note- II: The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.

33. It is seen that the aforesaid principle of compensation by the polluter for restoration of the environment, based on the “polluter pays” principle, as determined by the NGT has been adopted by the Courts from time to time and has also been applied by the Division Bench of this Court as well as by the Co-ordinate Benches in various judgments referred above. The charges so levied have also been upheld by the Hon’ble Apex Court in ***State of Rajasthan v. Jagdish Prasad (supra)***.

34. The significance of confiscation proceedings in cases of illegal mining has also been subsequently highlighted by the Hon’ble Supreme Court in ***In Re: Illegal Sand Mining in the National Chambal Sanctuary and Threat to Endangered Aquatic Wildlife, order dated 17.04.2026***, reported in **2026 INSC 380**, wherein it has been emphasised that, apart from seizure and prosecution of the offenders, confiscation proceedings in respect of the vehicles and machinery involved must be initiated and diligently pursued in accordance with law so as to ensure an effective deterrent against illegal mining activities. The relevant direction issued by the Hon’ble Supreme Court is reproduced hereunder:-

“18. In view of the foregoing discussion and having regard to the exigencies of the situation, the following directions are hereby issued for immediate compliance:

“E. The concerned authorities/ departments of the States of Madhya Pradesh, Rajasthan, and Uttar Pradesh shall ensure that any vehicle or machinery found to be involved in illegal sand mining is immediately seized, and that the driver, owner, and all persons involved are prosecuted in accordance with applicable laws, including the relevant environmental





protection, conservation, and mining regulation statutes. Appropriate proceedings for confiscation of such vehicles and machinery shall also be initiated and diligently pursued in accordance with law, so as to ensure effective deterrence against such illegal activities."

35. Subsequently, in furtherance of this order, the Hon'ble Apex Court again in ***National Chambal Sanctuary*** vide **order dated 26.05.2026**, reported in **2026 INSC 549**, has emphasised that effective enforcement against illegal mining necessarily requires stringent action against the vehicles involved in such activities. The Court observed that unless such vehicles are subjected to prompt seizure, confiscation and denial of release in accordance with the statutory scheme, the enforcement framework would be rendered ineffective and the object of curbing illegal mining would stand defeated. The Hon'ble Supreme Court further recognised illegal mining as an organised environmental offence warranting a strict approach in matters relating to the seizure, release and confiscation of vehicles used in the commission of such offences.

The relevant observations read as under:-

"26. This Court also takes note of the submission made on behalf of the State of Madhya Pradesh that static check-points are proposed to be established at eight identified locations within the districts of Bhind, Morena and Sheopur for strengthening surveillance and enforcement mechanisms in the affected areas. It has further been submitted on behalf of all the concerned States that measures are also being contemplated to ensure that no fuel is supplied to vehicles not displaying authentic registration particulars or otherwise found operating in violation of the provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989 and involved in illegal mining and transportation activities. While such measures may constitute preliminary superficial regulatory and monitoring mechanisms, this Court is of the considered opinion that the same, by themselves, would be wholly insufficient to effectively address the magnitude, organized nature and continuing impunity with which illegal mining operations are being carried out in the region. Mere establishment of check-posts, issuance of challans or ancillary restrictions relating to fuel supply, without stringent and immediate coercive action against the offending vehicles and their operators, and more particularly, the behind the scene kingpins is unlikely to produce any meaningful deterrent effect. **In the considered view of this Court, unless vehicles found repeatedly involved in illegal mining and transportation activities are subjected to**





immediate seizure, confiscation and denial of release except in accordance with law, the existing enforcement framework would continue to remain ineffective and incapable of curbing organized environmental crime being perpetrated in the affected regions."

36. At this stage, it is also necessary to consider the judgment of the Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai v.***

State of Gujarat, reported in **(2002) 10 SCC 283**, which constitutes the leading authority on the question of custody and release of seized vehicles. The Hon'ble Supreme Court emphasised that valuable vehicles and other seized articles should not ordinarily be permitted to remain in police custody for an indefinite period, as continued retention may result in deterioration and loss of value, and that appropriate orders for custody or release ought to be passed in accordance with law. The principle laid down in ***Sunderbhai*** (*supra*) is therefore, of direct relevance while considering an application for release of a seized vehicle. At the same time, the judgment was rendered in the context of the general law governing custody of seized property and does not dispense with compliance with a special statutory mechanism governing confiscation of the vehicle. Consequently, the principle laid down in ***Sunderbhai*** (*supra*) has to be considered along with the provisions governing confiscation and the law laid down by the Hon'ble Supreme Court in above cited judgments.

37. In the present cases, in most of the matters, FIRs have been registered under Section 303(2) of the BNS as well as Sections 4/21 of the MMDR Act, in some cases under section 112(2) & 61 BNS as well, and the vehicles have been found to be



involved in illegal mining. The FIRs disclose allegations relating to illegal mining/transportation of minerals. Further, as per the list reproduced hereinabove and submitted by the learned AAG, there are also cases in which no FIR's has been registered, and the vehicles have been seized by the department or under MV Act, and confiscation proceedings have been initiated.

38. The reply filed by the State as well orders impugned clearly states that, after seizure of the vehicle, apart from registration of the FIR, confiscation proceedings have also been initiated. Immediately upon seizure, proceedings have been initiated under Rule 54 and 60, calling upon them to show cause and deposit the amount specified therein, namely, the cost of the mineral, the amount of fine/compensation imposed by the NGT, as well as the compounding fee.

39. It is also seen that, in many cases, this is a second offence, or the vehicle has been found to be involved in illegal mining for the second time and, hence, in terms of the order of the NGT dated 05.04.2019 and 19.02.2020, the fine imposed is 50% of the value of the vehicle.

40. The legal position governing release of vehicles involved in illegal mining is no longer *res integra*. The Hon'ble Supreme Court in ***In Re: Illegal Sand Mining in the National Chambal Sanctuary*** (supra) has emphasised the necessity of effective enforcement measures, including prompt seizure and confiscation, for curbing organised illegal mining. Likewise, in ***Jagdish Prasad*** (supra), the Hon'ble Supreme Court set aside the orders directing



release of seized vehicles merely on furnishing personal security and held that release could be granted only upon deposit of the amounts prescribed under the MMCR Rules, together with the compensation determined by NGT. The judgments in **Kishore Singh and Girraj Meena** (supra) have clearly laid down that where confiscation proceedings had been initiated, the vehicle shall only be released on payment of penalty and compounding fee. Whereas, in cases where no confiscation proceedings had yet been initiated, it was directed that vehicle be released subject to furnishing a bank guarantee equivalent to the said amount, to secure the amount if required to be levied in future. The judgment of **Kishore Singh** was followed in **Narayan Gadri (supra)**. In **Jitendra Meena** (supra), this Court further held that vehicles seized by the Police, under the Motor Vehicles Act or by the Mining Department are required to be treated at par, and can be released only upon depositing the statutory amount/penalty. The principles laid down in the aforesaid judgments have subsequently been reiterated by the judgment of co-ordinate bench in **Girraj Meena** (supra).

41. The aforesaid judgments have held that, once confiscation proceedings have been initiated, the vehicle cannot be released merely on personal security/supurdginama and its release is subject to compliance with the conditions prescribed in accordance with law. The question that arises for consideration, therefore, is as to when such proceedings can be said to have commenced, particularly in cases where the final order of confiscation is yet to



be passed. The said question has to be determined with reference to the statutory scheme governing the proceedings.

42. It is evident from Rules 54 and 60 of the Rajasthan MMCR, 2017, that they provide a statutory mechanism for seizure, release and confiscation of minerals, machinery and vehicles involved in illegal mining or transportation of minerals. Rule 54 deals, inter alia, with illegal mining, transportation and storage of minerals, whereas Rule 60 deals with inspection of minerals in transit. Though the procedure and the authority competent to pass the final order of confiscation differ, both Rules contemplate a process commencing with seizure and the consequential action prescribed thereunder. Under Rule 54, the final order of confiscation is passed by the Magistrate, whereas under Rule 60, the competent authority exercises the power of confiscation.

43. The statutory mechanism provided under Rules 54 and 60 proceeds through successive stages. Under Rule 54 upon seizure of the vehicle demand as per Sub-Rule 3 is determined and notice for depositing the amount/penalty is issued for releasing the vehicle. The matter is reported to the senior officials and magistrate within seventy two hours. Upon failure to deposit, the vehicle is confiscated under orders of the Magistrate upon application. However three months time is given to deposit the penalty amount before order of confiscation is passed. The Guidelines, in addition provide for 15 days time to the owner to submit an explanation after seizure, and thereafter, in the event of an unsatisfactory explanation, the statutory amount/penalty is



determined and a demand is served, along with a notice for initiation of proceedings for confiscation and auction of the vehicle for recovery of the dues, as prescribed.

44. However, in proceedings under Rule 60, there is no corresponding waiting period of three months. Under this rule, upon seizure, if the statutory dues/penalty, as required under sub-rule 5 are not deposited, the vehicle becomes liable to confiscation by the empowered officer immediately. Thus, in both cases, the confiscation process has to be understood with reference to the successive stages prescribed under the respective Rules.

45. Hence, the submission advanced on behalf of the petitioners that confiscation proceedings commence only after expiry of the period of three months and upon filing of an application before the Magistrate cannot be accepted in such absolute terms. The said period prescribed under 54(6) only provides an opportunity to the person concerned to compound the offence and discharge the statutory liability, before the seized property becomes liable to confiscation. It does not, however, mean that the statutory process leading to confiscation remains non-existent during that period. Thus, once the liability has been determined and the demand and requisite notice informing the person concerned of the consequences of non-compliance are issued, the confiscation process can be said to have been set in motion for the purpose of considering the release of the seized vehicle. The expiry of the three-month period thereafter only enables the competent



authority to proceed to the stage of order of confiscation to be passed by magistrate as contemplated under Rule 54(6).

46. The distinction between commencement of the statutory process and passing of the final order of confiscation is material.

The fact that the final order of confiscation is to be passed at a subsequent stage does not mean that the confiscation proceedings had not already been initiated. Neither the distinction as to the authority competent to pass the final order under Rule 54 and 60 alter the point at which the confiscation process commences. The three months period cannot be construed to confer an unrestricted right to obtain release of the seized vehicle merely on personal security or surety during the said period, once the statutory process of confiscation has already been set in motion. If the interpretation suggested by the petitioners is accepted, it would create a situation where a person may deliberately refrain from depositing the requisite amount and seek release of the vehicle merely on personal security without securing the statutory dues or penalty. Such an interpretation would defeat the statutory scheme and its object.

47. The statutory scheme further demonstrates that the seized vehicle or machinery forms an important part of the statutory mechanism for securing compliance with the liabilities determined thereunder. Once the confiscation process has commenced, release of the vehicle without securing compliance with the statutory conditions prescribed under the Rules would substantially dilute the efficacy of that mechanism, defeat the



object and purpose of Rules 54 and 60, and leave the Department to resort to other modes of recovery available under law. Such other modes of recovery may supplement the statutory mechanism, but cannot be construed as a substitute for the confiscation process consciously enacted under Rules 54 and 60. The seized vehicle, therefore, remains subject to the statutory mechanism until the proceedings culminate in accordance with law.

48. Another aspect requiring consideration is whether pendency of the criminal prosecution affects the statutory proceedings for confiscation and recovery under the mining laws. The criminal prosecution and the confiscation proceedings undertaken under the mining laws operate in distinct fields and serve different purposes. Criminal prosecution is directed towards determination of the criminal liability of the offender and imposition of punishment in accordance with law. Confiscation proceedings, on the other hand, concern the property or instrumentality involved in the illegal activity and are intended to provide an effective statutory mechanism for dealing with such property and preventing its further use in unlawful activities. They also serve as an effective deterrent against repeated violations of the mining laws. The confiscation mechanism is, therefore, an independent statutory remedy operating alongside the criminal prosecution.

49. The aforesaid principle is also supported by the judgment of the Hon'ble Apex Court in **State of M.P. v. Uday Singh, 2019 INSC 401**, wherein the Hon'ble Supreme Court, while considering



Divisional Forest Officer v. G.V. Sudhakar Rao (1985) 4 SCC

573, held that confiscation proceedings are independent of, and not contingent upon, the outcome of the criminal trial. The relevant observations are reproduced hereunder:-



22. In 2017, similar view has been taken by another two judge Bench of this Court in **Kallo Bai** (supra) while construing the provisions of the Madhya Pradesh Van Upaj (Vyapar Viniyam) Adhiniyam, 1969. By virtue of the amendments made to the Adhiniyam, Sections 15-A to 15-D were introduced to provide for confiscation proceedings in line with the provisions contained in the Forest Act as amended in relation to the State of Madhya Pradesh. Relying on the earlier decisions of this Court including **GV Sudhakar Rao** (supra), Justice NV Ramana, speaking for the two judge Bench held:

"23. Criminal prosecution is distinct from confiscation proceedings. The two proceedings are different and parallel, each having a distinct purpose. The object of confiscation proceedings is to enable speedy and effective adjudication with regard to confiscation of the produce and the means used for committing the offence while the object of the prosecution is to punish the offender. The scheme of the Adhiniyuyam prescribes an independent procedure for confiscation. The intention of prescribing separate proceedings is to provide a deterrent mechanism and to stop further misuse of the vehicle."

24. In **Kailash Chand v State of MP, (1995) AIR (MP)**, a Division Bench of the Madhya Pradesh High Court considered a challenge to the constitutional validity of the state amendments to the Forest Act through MP Act 25 of 1983. Noticing that a criminal prosecution and a proceeding for confiscation are distinct, each with its own purpose and object, the High Court held:

".....Criminal prosecution is not an alternative to confiscation proceedings. The two proceedings are parallel proceedings each having a distinct purpose and object. The object of confiscation proceeding is to enable speedy and effective adjudication with regard to confiscation produce and the means used for committing the offence. The object of the prosecution is to punish the offender"

50. Therefore, the argument of the petitioners that, in the absence of a complaint by the competent officer and cognizance by the Court under Section 22 of the MMDR, they cannot be compelled to deposit the amount of statutory dues/penalty or no confiscation proceedings can be initiated, is also untenable. The



contention that the confiscation proceedings and liability under the mining laws can be enforced only after conclusion of the criminal prosecution is equally untenable. As observed hereinabove, criminal prosecution and departmental action/confiscation proceedings operate in distinct fields and have different objects. They are independent of each other. The pendency or outcome of the criminal prosecution does not, by itself postpone or nullify the statutory proceedings undertaken by the Department in respect of the vehicle under the mining laws. The legal position in this regard stands settled by the judgments referred to hereinabove.

51. The petitioners have also contended that, in the absence of a complaint by the authorised officer, no police action can be taken and no seizure of the vehicle can be effected. This contention also has no force in view of the discussion made hereinabove. Section 22 of the MMDR and Rule 56 of MMCR places a restriction on cognizance being taken by the Court of an offence punishable under the said Act or Rules except upon a complaint made by a person authorised. It does not bar the police from investigating the matter or taking consequential action in accordance with law. No such stage of taking cognizance has been reached in the present cases. This issue has already been settled by the Hon'ble Supreme Court in **Jayant v. State of M.P., (2021) 2 SCC 670**. The reliance placed upon the judgment of the Hon'ble Supreme Court in **Kanwar Pal Singh v. State of U.P., AIR Online 2019 SC 1930**, as also upon the judgment of this Court in **M/s**



Mahadev Construction v. State, does not advance the case of the petitioners.

52. Further, illegal mining has serious consequences for the environment and public resources, and results in environmental degradation, depletion of natural resources held by the State in public trust and substantial loss to the public exchequer. The statutory scheme governing seizure, recovery of dues and confiscation of vehicles involved in such activities is intended to ensure effective enforcement of the mining laws and to prevent the consequences prescribed by law from being defeated merely because the criminal prosecution is pending. The pendency of the criminal prosecution, therefore, cannot by itself furnish a ground for directing release of a vehicle in disregard of the statutory conditions governing its release.

53. In view of the observations made above, once the confiscation process has been set in motion under the MMCR Rules by the Mining Department, the release of the vehicle has to be considered in accordance with the statutory conditions applicable to the respective case and the principles laid down in the judgments referred to hereinabove. Where the confiscation process has been initiated and the liability/penalty payable in respect of the vehicle has been determined, the vehicle cannot be released merely on personal security/supurdginama or surety, and its release would be subject to payment of the statutory amount/penalty, including the cost of mineral, compounding fee and compensation determined by the NGT, as may be applicable in



the particular case, and compliance with other general conditions. Where, however, the confiscation process has not yet been initiated, the vehicle may be released upon furnishing an active bank guarantee equivalent to the amount which may become payable upon initiation and conclusion of the confiscation proceedings.

54. In the present batch of petitions, the orders impugned and the material placed on record by the Mining Department establish that, after seizure of the vehicles, the statutory liability/penalty was determined, notices were issued and the confiscation process was set in motion under the applicable provisions of Rules 54 and/or 60. The learned Magistrates had also called for and considered the reports of the Mining Department stating that proceedings had been initiated in respect of the vehicles seized. Thus, in the cases forming part of the present batch, the confiscation process had already been initiated and the petitioners had been called upon to deposit the statutory amount/penalty determined in accordance with law. The directions issued by the learned Magistrates requiring deposit of the statutory amount/penalty or furnishing of an active bank guarantee, as the case may be, therefore do not suffer from any illegality or error of law warranting interference by this Court.

55. Hence, in view of the aforesaid discussion and the legal position settled by the judgments referred to hereinabove, this Court finds no illegality or infirmity in the impugned orders whereby the learned Magistrates have declined to release the



vehicles for non-compliance with the statutory monetary conditions, and consequently finds no ground to interfere with the impugned orders in exercise of its jurisdiction under Section 528 of the BNSS.

56. Consequently, all the present petitions, being devoid of merit, are dismissed. The impugned orders passed by the learned Courts below are upheld.

57. It is, however, clarified that nothing contained in this order shall prejudice the rights of the petitioners in the pending criminal prosecution or the confiscation proceedings, which shall proceed independently and in accordance with law.

58. All pending applications, if any, also stand disposed of.

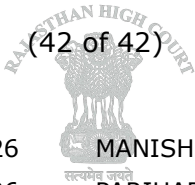
(BALJINDER SINGH SANDHU),J

301/Sanjay Tanwar



SCHEDULE

S.No.	Item No.	Crl. Misc. Petition No.	Party Name
1.	287	CRLMP NO.1581/2025	OM PRAKASH KHOJA VS. STATE OF RAJASTHAN
2.	289	CRLMP No.3671/2026	OMA RAM VS. STATE OF RAJASTHAN
3.	290	CRLMP No.3686/2026	BHERULAL GURJAR VS. STATE OF RAJASTHAN
4.	291	CRLMP No.3691/2026	HEERU DEVI VS. STATE OF RAJASTHAN
5.	292	CRLMP No.3692/2026	MADAN VS. STATE OF RAJASTHAN
6.	293	CRLMP No.3693/2026	RATANLAL VS. STATE OF RAJASTHAN
7.	294	CRLMP No.3694/2026	RAJMAL BHEEL VS. STATE OF RAJASTHAN
8.	295	CRLMP No.3817/2026	GIRDHARI LAL VS. STATE OF RAJASTHAN
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10.	297	CRLMP No.3850/2026	LAKHMAN SINGH VS. STATE OF RAJASTHAN
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13.	300	CRLMP No.3911/2026	BHANWAR SINGH VS. STATE OF RAJASTHAN
14.	302	CRLMP No.3921/2026	BARAGANT KHAN VS. STATE OF RAJASTHAN
15.	303	CRLMP No.4081/2026	GUMANARAM VS. STATE OF RAJASTHAN
16.	304	CRLMP No.4084/2026	RAMNIWAS VS. STATE OF RAJASTHAN
17.	305	CRLMP No.4145/2026	SANCHAY VS. STATE OF RAJASTHAN
18.	306	CRLMP No.4159/2026	RAMKUNWAR VS. STATE OF RAJASTHAN
19.	308	CRLMP No.4470/2026	KAPIL GODARA VS. STATE OF RAJASTHAN
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21.	310	CRLMP No.4538/2026	HADMAN SINGH RATHORE VS. STATE OF RAJASTHAN
22.	311	CRLMP No.4540/2026	HADMAN SINGH RATHORE VS. STATE OF RAJASTHAN
23.	312	CRLMP No.4541/2026	GOPAL VS. STATE OF RAJASTHAN
24.	313	CRLMP No.4542/2026	GOPAL VS. STATE OF RAJASTHAN
25.	314	CRLMP No.4545/2026	SHIV CONSTRUCTION COMPANY VS. STATE OF RAJASTHAN
26.	315	CRLMP No.4554/2026	CHHAGNA BHIL CHHAGNA BHIL VS. STATE OF RAJASTHAN
27.	316	CRLMP No.4556/2026	RAM LAL VS. STATE OF RAJASTHAN
28.	317	CRLMP No.4561/2026	SITA DEVI VS. STATE OF RAJASTHAN
29.	318	CRLMP No.4568/2026	SAHDEV VS. STATE OF RAJASTHAN
30.	321	CRLMP No.4576/2026	GUMANA RAM VS. STATE OF RAJASTHAN
31.	322	CRLMP No.4578/2026	RAMLAL VS. STATE OF RAJASTHAN
32.	323	CRLMP No.4579/2026	M/S. CHOYAL CONSTRUCTION COMPANY VS. STATE OF RAJASTHAN
33.	324	CRLMP No.4583/2026	DAYAL SINGH RANAWAT VS. STATE OF RAJASTHAN
34.	325	CRLMP No.4589/2026	BABLU KHATIK VS. STATE OF RAJASTHAN
35.	326	CRLMP No.4620/2026	M/S. RAM RATAN GEHLOT VS. STATE OF RAJASTHAN
36.	327	CRLMP No.4640/2026	M/S. BALAJI ENTERPRISES VS. STATE OF RAJASTHAN
37.	328	CRLMP No.4643/2026	CHOTU RAM VS. STATE OF RAJASTHAN
38.	329	CRLMP No.4682/2026	RAKESH KUMAR DEEPAK VS. STATE OF RAJASTHAN
39.	330	CRLMP No.4724/2026	SHAMBHOO LAL VS. STATE OF RAJASTHAN
40.	331	CRLMP No.4728/2026	BHERULAL KIR VS. STATE OF RAJASTHAN
41.	332	CRLMP No.4729/2026	BARDICHAND GURJAR VS. STATE OF RAJASTHAN
42.	333	CRLMP No.4730/2026	GOPALLAL VS. STATE OF RAJASTHAN
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44.	335	CRLMP No.4855/2026	BABU LAL VS. STATE OF RAJASTHAN
45.	336	CRLMP No.4865/2026	RAMURAM GODARA VS. STATE OF RAJASTHAN
46.	337	CRLMP No.4866/2026	KISHAN CHAUDHARY VS. STATE OF RAJASTHAN
47.	338	CRLMP No.4874/2026	HARSUKH RAM VS. STATE OF RAJASTHAN



48.	339	CRLMP No.4908/2026	MANISH VS. STATE OF RAJASTHAN
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50.	341	CRLMP No.4913/2026	MOHIT GORA VS. STATE OF RAJASTHAN
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55.	346	CRLMP No.4918/2026	SURENDRA SINGH VS. STATE OF RAJASTHAN
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57.	348	CRLMP No.4942/2026	M/S. SRIRAM ENTERPRISES VS. STATE OF RAJASTHAN
58.	349	CRLMP No.4944/2026	SHOBHA VS. STATE OF RAJASTHAN
59.	350	CRLMP No.4945/2026	RUDRA SINGH VS. STATE OF RAJASTHAN
60.	351	CRLMP No.4948/2026	INSAF KHAN VS. STATE OF RAJASTHAN
61.	352	CRLMP No.4949/2026	SHYAM LAL DEWASI VS. STATE OF RAJASTHAN
62.	353	CRLMP No.4950/2026	SHYAM LAL DEWASI VS. STATE OF RAJASTHAN
63.	354	CRLMP No.4996/2026	BABU LAL VS. STATE OF RAJASTHAN
64.	355	CRLMP No.5036/2026	KALYAN SINGH VS. STATE OF RAJASTHAN
65.	356	CRLMP No.5113/2026	KESHURAM VS. STATE OF RAJASTHAN
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67.	358	CRLMP No.5286/2026	GHANSHYAM SUTHAR VS. STATE OF RAJASTHAN
68.	359	CRLMP No.5516/2026	VIJENDRA CHOUDHARY VS. STATE OF RAJASTHAN
69.	360	CRLMP No.5526/2026	RAMSWAROOP VS. STATE OF RAJASTHAN
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71.	320	CRLMP No.4571/2026	SUKHA RAM VS. STATE OF RAJASTHAN

