HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 7108/2026
CNR: RJHC010795382026 | URN: CRLMP / 12380U / 2026

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Hanuman Ram S/o Hansaram, Aged About 28 Years, R/o Bhatoka Bas, Badi Kala, Tehsil Bilara, District Jodhpur.

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Khitiz Vyas
For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

09/10/2026

1. The instant criminal miscellaneous petition under Section 528 of the BNSS has been preferred by the petitioner assailing the order dated 22.07.2026 passed by the learned Additional Chief Judicial Magistrate, Bilara, District Jodhpur, in connection with FIR No. 35/2026, registered at Police Station Bilara, District Jodhpur, whereby the release of the petitioner's tractor and trolley has been made conditional upon the deposit of a sum of Rs.1,27,400/- with the Mining Department.

2. The brief facts of the case are that the petitioner’s tractor bearing Registration No. RNK-5102 along with trolley was seized for the offences under Section 303 of the BNSS and Section 4/21 of the Mines and Minerals (Development and Regulation) Act. The learned trial Court, vide order dated 22.07.2026, allowed the

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application for interim custody of the vehicle but made its release conditional upon deposit of Rs.1,27,400/- with the Mining Department, which condition alone has been assailed in the instant petition.

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3. Heard learned counsels appearing on behalf of the parties and perused the material available on record.

4. Having regard to the fact that the tractor in question is a 1989 model and considering the submissions advanced with respect to the compounding of the alleged offence under the provisions of the National Green Tribunal (NGT) Act, it is observed that any action in respect of an alleged violation of environmental laws or rules must necessarily be undertaken by the competent authority in accordance with the procedure established by law. The imposition of a sum of money towards compounding fees under the NGT Act, in the manner directed by the learned court below, cannot be sustained in law. However, it shall remain open to the competent State authorities or the concerned environmental authorities to initiate appropriate proceedings, strictly in accordance with law.

5. Accordingly, the misc. petition is partly allowed. The impugned order is interfered with only to the limited extent of the direction requiring the petitioner to deposit a sum of Rs.1,27,400/- towards compounding fees under the NGT Act. The said direction is hereby set aside. The impugned order shall remain undisturbed in all other respects.

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6. Any other amount awarded or directed to be deposited by the learned trial court, apart from the aforesaid sum, shall remain unaffected by this order.

(FARJAND ALI),J

17-Arun/-

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