

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.987 of 2016

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1. Arun Kumar son of Late Jageshwar Ram resident of Station Road, Dehri-on-Sone, Police Station- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Home Department.
2. The Officer-in-Charge of Dalmiya Nagar Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Respondent/s : Mr. Ga4-Parth Sarthi

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 29-09-2016

By this writ application, made under Article 226 of the Constitution, the petitioner seeks directions to the respondents to release his truck, bearing Registration No.BR24G-A2174, which, according to the petitioner, was seized, on 03.05.2016, in connection with Dalmiya Nagar Police Station Case No. 231 of 2016, registered under Section 379 of the Indian Penal Code and Section VIII of the Bihar Mines Act, 2003.

Dalmiya Nagar Police Station Case No. 231 of 2016 came to be instituted on the written report of one Om Prakash Sah, Surveyer, District Mining Office, Rohtas. The informant has, in his written report, stated that, on 03.05.2016, at about 10 AM, during the course of checking of transport challans/transit permit of sand-laden vehicles, near Dalmianagr Sand Ghat



Barriar, when one truck, bearing Registration No.BR24G-A2174, was stopped and driver was asked to show his transport challan/transit permit, the driver tried to run away, but was apprehended on a chase by the staff. The driver produced a Challan (i.e., transit permit), bearing Challan No. 11985206 of Challan Book No. 119853, which was of a Major Mineral Silica Sand Mine, where mining is illegal and the said act being violative of the Section VIII of Bihar Mines Act, 2003, the truck was seized.

We have heard Mr. Dhananjay Kumar, learned Counsel, appearing on behalf of the petitioner, and Mr. Parth Sarthy, learned Government Advocate No.4, appearing on behalf of the State-respondents.

Learned Counsel for the petitioner submits that even though on verification by the Mines Department, the challans were found valid, the respondents did not release the truck, in question, in favour of the petitioner. The said truck is on hypothecation from a Bank, which is resulting in mounting up of the hire charges and interest causing grave financial loss to the petitioner.

It is further submitted that the petitioner has been granted anticipatory bail in the case by the learned Sessions

Judge, on 31.05.2016, in the aforementioned case, but his petition for release of truck is pending before learned Sub Divisional Judicial Magistrate and despite directions passed by the learned Court below, the required report is not being produced by the concerned police officials and they are deliberately delaying the matter.

Considering the matter in its entirety, the respondents are hereby directed to submit the report(s) in terms of the orders, which have been passed in the judicial proceeding, by the learned Sub-Divisional Judicial Magistrate, Dehri, and, upon submission of the report(s), the learned Sub-Divisional Judicial Magistrate, Dehri, shall dispose of, in accordance with law, the petition, seeking release of the vehicle. The whole exercise, so directed, shall be completed expeditiously and concluded, preferably, within a period of three weeks from the date of receipt of a copy of this Court by the learned Court below.

With the above observations and directions, this writ petition stands disposed of.

(I.A. Ansari,CJ)

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