

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1792 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

1. Ranjeet Kumar son of Late Ganga Singh resident of Chakanha, P.S. - Indrapuri,
Dist - Rohtas. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Mines and Minerals, Bihar at
Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Officer-in-charge, Indrapuri, Rohtas, Sasaram.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Respondent/s : Mr. Asit Kumar Jha, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

2.The Tractor and Trailor of the petitioner bearing registration No.BR-24G/8279 was seized in connection with Indrapuri P.S. Case No.164 of 2017 for alleged violation of the Mines and Minerals Act as the same was carrying sand without any authority. The prayer for release was refused by the learned Sub-Divisional Judicial Magistrate, Dihri, Rohtas, by the impugned order dated 22.06.2017, on the ground that a proposal for confiscation of the tractor and trialor have already been sent to the competent authority.

3. Submission of the learned counsel for the petitioner is that pretrial confiscation would amount to pre-trial punishment, which is not permissible in law and the power of the executive authority to confiscate the vehicle is pending consideration in **LPA**



No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)

before a larger Bench of this Court. Hence, till adjudication of the aforesaid issue, operation of the impugned order be stayed and the vehicle be released by way of ad interim custody in favour of the petitioner.

4. Finding substance in the submission aforesaid, let the vehicle, in question, be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.3,00,000/- (Three Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the leaned Court-below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put under encumbrance or use for any illegal purpose without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

5. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2017
Transmission Date	17.11.2017

