

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2570 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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1. Dhirendra Kumar, Son of Hari Nandan Prasad Yadav, Resident of Village- Parna Nand Pur, Post Office- Ladaura, Pakari, Police Station- Town, (Muzaffarpur), Sadar, District- Muzaffarpur.
 2. Krishna Rai S/o Rit Lal Rai, R/o Village- Madhopur, Post Office- Sustar, P.S.- Maniyari, District- Muzaffarpur.
 3. Manoj Rai S/o Baidya Nath Rai, R/o Village- Bishunpur Gidha, Post Office- Susa, P.S.- Maniyari, District- Muzaffarpur.
 4. Gaurav Kumar S/o Prabhash Kumar Singh, R/o Village- Gaus Nagar, Post Office- Hasan Gaddi, P.S.- Gayghat, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, Through Commissioner of Mines And Geology, Bihar, Patna.
2. The Divisional Commissioner, Tirkut Division, Muzaffarpur.
3. The District Magistrate, Vaishali at Hazipur.
4. The Director of Mines, Vaishali at Hazipur,
5. The Mining Officer, Vaishali at Hazipur.
6. The Superintendent of Police, Lalganj, Vaisahli.
7. The Deputy Superintendent of Police, Hazipur, Vaishali.
8. The Officer- In - Charge, Cum Station Head Officer, Lalganj Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Respondent/s : Smt. Kumari Amrita, GP-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for release of the vehicles bearing registration Nos. BR06-GC/1137, BR06GA/0156, NL02N/0685, BR06G/4776 and BR06GB/3025, which were seized in connection with Lalganj P.S. Case No.254 of 2017 for alleged violation of the Mining Rules.

3. The constitutional validity of the provisions of Sections



56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 is under challenge in **Cr. W.J.C. No. 2446 of 2017 (Rahul Kumar @ Rahul V. The State of Bihar and others)** and the matter is pending before the larger Bench of this Court.

4. Hence, the respondents are directed to release the referred vehicles in favour of the petitioners by way of ad interim custody on execution of surety bond of Rs.20,00,000/- (Twenty Lacs), for each vehicle, not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the learned Court-below/authority concerned where the case is pending, with condition that the petitioners would not dispose of the said vehicles without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to result of the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2017
Transmission Date	15.12.2017

