

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2093 of 2017

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

- =====
1. Abhimanyu Kumar Son of Ramjee Sah, R/o Village- Kadawa, Post- Maudiha,
P.S.- Nokha, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary Mining Department Government of Bihar, Patna.
2. The District Mining Officer, Rohtas.
3. The District Magistrate, Rohtas.
4. The Superintendent of Police, Rohtas.
5. The Officer, Incharge, Nokha, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Asit KumarJha, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the petitioner and the State.

2. Tractor and trialor of the petitioner bearing registration Nos. BR24GA-3970 and BR24GA-3968 respectively, have been seized in connection with Nokha P.S. Case No.125 of 2017, a case under Sections 379/411/34 of the Indian Penal Code and Section 40(a) of the Bihar Mineral Minor Concession Act. Subsequently, prayer of the petitioner to release the vehicle was rejected on 22.08.2017 by the learned Additional Chief Judicial Magistrate, Sasaram, Rohtas.

3. The present writ application has been filed challenging the confiscation order on the ground that pre-trial confiscation is



bad-in-law and the aforesaid issue is under consideration before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** Hence, till adjudication of the aforesaid issue the operation of the confiscation proceeding, if any, be stayed and interim release of the vehicle be ordered as no purpose is going to be served by its continued detention in police lockup.

4. After hearing the parties and 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 **bank guarantee of Rs.2,00,000/- (Two Lacs)** to the satisfaction of the learned Court-below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court.

5. Confiscation proceeding, if any, shall remain in abeyance and shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2017
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