

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2742 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Kuldip Yadav, Son of Mahesh Yadav, Resident of Village – Uchauli, Hajichak,
P.O. – Nagariyawan, Police Station Khizar Sarai, District Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Gaya
3. The Senior Superintendent of Police, Gaya
4. The Superintendent of Police, Gaya
5. The Officer in Charge, Khizar Sarai Police Station, District Gaya
6. The Assistant Director, Mines and Geology, District Mines Office, Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Minish Kumar No. 2, Advocate

For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

2. This writ application has been filed for release of the tractor and its trailer bearing registration no. BR-02GA-5447 which was seized in connection with Khizar Sarai P.S. Case No. 292 of 2017 a case registered for offence under Sections 379, 420, 414 of the Indian Penal Code, Sections 4/21 of the Mines & Mineral (Development & Regulation Act), 1957 as well as Sections 13, 75 of the Bihar Minor Mineral Rules, 2017.

3. Learned counsel for the petitioner submits that the petitioner moved before the learned 7th Additional Chief Judicial Magistrate, Gaya but the same is still pending. His further submission



is that the aforesaid Rules have been stayed by a Division Bench of this Court vide order dated 27.11.2017 passed in C.W.J.C. No. 15965 of 2017 (**Puspa Singh & The State of Bihar & Ors.**) and other analogous cases.

4. Hence, let the aforesaid vehicle in question be released in favour of the petitioner as ad interim custody on execution of surety bond of Rs.2,00,000/- (rupees two lakhs) (not in the form of bank guarantee or cash) 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 petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

5. The release shall be subject to the final result of the pending C.W.J.C. aforesaid.

6. With the aforesaid observation and direction, this writ application, accordingly, disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2017
Transmission Date	22.12.2017

