

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1725 of 2017

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Rinku Kumari W/o Awadh Kumar resident of village - Redbiga, P.S. -
Dhanarua, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Mines & Geology Department,
Govt. of Bihar, Patna.
2. The Assistant Director, Mines & Geology Department, Nalanda.
3. The Collector-cum-District Magistrate, Nalanda.
4. Mines Inspector, District Mines Officer, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha

For the Respondent/s : Mr. K. K. Jha (AAG-8)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 23-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Truck
bearing Reg.No.BR-01-GF-9501 which has been seized by the
police in connection with Karai Parsurai P.S. Case No.41 of 2017
for the offence under Section 379 of the Indian Penal Code and
Sections 4 and 40 of the Bihar Minor Mineral (Prevention of
Illegal Mining, Transportation and Storage) Rules, 2003. It is
alleged that the vehicle in question was used for carrying sand
illegally.

Learned counsel for the petitioner submits that the
petitioner is ready and willing to abide by the terms and conditions



which may be imposed by this Court for provisional release of the vehicle in question.

Let the vehicle of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in her favour subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.15,00,000/- (fifteen lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.
- (ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.
- (iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also



be prepared and keep the same on record which may be used as secondary evidence.

- (iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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