

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2578 of 2017

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Amarjit Kumar S/o Sri Babulal Singh R/o Vill- Issua, P.S. Sarmera, Distt. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, Through- Principal Secretary, Mining Department, Patna.
2. Superintendent of Police, Nawada, P.S. and Distt- Nawada(Bihar).
3. Mining Officer-Nawada, P.S. & Distt. Nawada.
4. Officer-in-Charge, Akbarpur Police Station Distt. Nawada.
5. Jai Mata Di Enterprises, Nawada, P.S. & Distt. Nawada through its Proprietor Gopal Prasad S/o Shri Manilal , Nawada, P.S. & Distt. Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Prashant Pratap (GP-2)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-01-2018 Heard learned counsel for the parties.

The present writ application has been filed for a direction upon the respondents to release Hywa No.BR-52G-4999 with Sand on proper surety/bond which has been seized by the Mining Officer, Nawada on 16.11.2017 when the said Hywa was coming from Jharkhand with loaded sand and was going to Barbigha through the jurisdiction of Akbarpur police station.

Learned counsel for the petitioner submits that till date no case has been registered against the petitioner or the vehicle in question for the alleged criminal act of carrying sands without permission. His submission is that the vehicle has been



seized unauthorizedly when it was carrying sands. He has relied upon an order passed by a coordinate Bench of this Court dated 09.08.2017 passed in Cr.WJC No.948 of 2017.

Learned Counsel for the State has not disputed the submission of the learned counsel for the petitioner that no case has been registered uptill now.

Considering the facts and circumstances as has been observed by a coordinate Bench of this Court earlier vide Annexure-2, I direct for release of vehicle in question in favour of the petitioner by way of interim custody subject to production of proof of ownership and on execution of surety bond of Rs.15,00,000/- (rupees 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.

At the time of release, a photograph and panchnama shall be prepared in accordance with law.

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..



The sand be also released in favour of the petitioner on execution of bank guarantee of Rs.25,000/- (rupees twenty five thousand) to the satisfaction of the learned court below/authority concerned where the case is pending

With the observations and directions made above, the writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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