

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1806 of 2018**

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Rajendra Prasad S/o Sri Janki Prasad, R/o Vill.- Rajapur  
Akauna, P.S.- Nardiganj, District- Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Govt. of Bihar, Patna.
2. The District Collector Nawada.
3. The Superintendent of Police, Nawada.
4. The Station House Officer Cum Officer in Charge Nawada Town (Bundelkhand) Police Station in the District- Nawada.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Respondent/s : Mr. P.K. Verma(Aag-3)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2    31-07-2018            The petitioner seeks release of his Mahindra & Mahindra (Tractor & Trailer) bearing Reg. No. BR-27G-2392 which has been seized in connection with Nawada Town (Bundel-Khand) P.S. Case No. 422 of 2018 dated 23.06.2018 instituted for the offences under Sections 379/414 of the Indian Penal Code and Sections 4/40 of the Bihar Minor Minerals Concession Rule, 1972, 21 of the Mines & Mineral (Development & Regulation) Act, 1957 and Rule 3/8 of the Bihar Mineral (Prevention of Illegal Mining Transportation & Storage) Rule, 2003.

Learned counsel for the petitioner submits that he is



ready and willing to abide by the terms and conditions which may be imposed by this Court for the provisional release of the vehicle in question.

In that view of the matter, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner in question be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner, subject to the following conditions:-

- (i) The petitioner shall furnish surety bond (not in form of a bank guarantee or cash) for the value of the vehicle in question as indicated in the insurance document with two sureties of the like amount to the satisfaction of the to the satisfaction of the District Magistrate, Nawada/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) The petitioner shall undertake not to challenge the said photograph and *panchnama* so prepared in his presence at the time of release of the vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

This order shall, however, be subject to the result of Cr. W.J.C. No. 2446 of 2017 (Rahul Kumar @ Rahul Vs. The State of Bihar & Ors.).

The application is, accordingly, allowed.

**(Ashutosh Kumar, J)**

Shageer/-

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