

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1050 of 2018

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Nand Kishore Singh, Son of Sri Hari Krishna Singh, Resident of Mohalla-Company Sarai Sasaram, P.S.-Sasaram, District Rohtas At Present resident of Mohalla-Ali Nagar, Mughal Sarai, P.S.-Ali Nagar, District-Chandauli (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Mines And Geology Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Dehri-on-Sone.
4. The District Mining Officer, Rohtas at Sasaram.
5. The S.H.O., Sheosagar Police Station, District-Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajnani Kant Singh

For the Respondent/s : Mr. Gyan Prakash Ojha (Ga 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg. No. UP-67C/3717, which has been seized by the police in connection with Sheosagar P.S. Case No.242 of 2017, District-Rohtas for the offence under Sections 379, 411, 34 of the I.P.C. and Sections 4, 40 of the Bihar Mining Act.

On perusal of the impugned order dated 19.01.2018, it appears that the learned A.C.J.M, Sasaram, Rohtas, has made serious remarks against the Assistant Director of Mines and



Geology Department, Rohtas, as according to the learned A.C.J.M, Sasaram, Rohtas, despite the order calling upon the Assistant Director to submit a report in respect of the case pending before the Court, no such report was made available.

Learned counsel for the petitioner submits that the vehicle in question was seized on 27.08.2017 and it is lying under open sky losing its worthiness.

Considering the facts and circumstances, let the vehicle of the petitioner 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) 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 learned A.C.J.M, Sasaram, Rohtas.
- (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 shall undertake 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)

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