

Vikrant Kumar S/o Late Birju Choudhary, R/o Vill.- Gosain Bigha, P.S.- Akbarpur, District- Nawada.

Versus

1. The State of Bihar Through The Principal Secretary, Mines And Geology Department, Bihar, Patna.
2. The District Collector , Nawada.
3. The Superintendent of Police, Nawada.

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Mr. Sunil Kumar Mandal (Sc-3)

2. 18-05-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle (Sonalika Tractor) bearing Chassis No. JZYST66701253, Engine No. 3100ELI73G660665F3 in favour of the petitioner in connection with Nawada (Bundelkhand) P.S. Case No. 6/2018 for the offences under Section 379, 414 of the Indian Penal Code and 440 of the Bihar Minor Minerals Concession Rule, 1972, 21 of the Mines and Minerals (Development & Regulation) Act, 1957 and 3 of the Minerals (Prevention of Illegal Mining, Transportation and Storage) Bihar Rules, 2003.

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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let



the vehicle, if not auctioned and if belongs to the petitioner, be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 5,00,000/- (Five Lakhs only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Nawada.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court of learned Chief Judicial Magistrate, Nawada, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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