

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1003 of 2018

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Dukhi Singh, Son of Late Indradev Singh, Resident of Village-Kanchanpur
P.S. Sasaram District Rohtas.

.... 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 Sasaram
4. The District Mining Officer, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Mines and Geology Department: Mr. Naresh Dixit
For the State : Mr. G.P. Ojha (G.A.-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 (Tractor with Trailer) bearing Reg. No. BR-24G-3872 (Tractor) and Registration No.BR-24G-3870 (Trailer) which has been seized by the police in connection with Dehri (T) P.S. Case No.861 of 2017, District-Rohtas at Sasaram for the offence under Sections 379/411 of the I.P.C. and Section 75 of the Bihar Minor Mineral Rules, 2017. It is alleged that the vehicle in question was 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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, 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.4,00,000/- (four lakhs) (not in form of bank guarantee or cash) for both tractor and trailer with two sureties of the like amount to the satisfaction of District Magistrate, Rohtas at Sasaram/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 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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