

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.660 of 2018

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Babu Lal Singh S/o Sri Parmanand Singh, R/o Village- Issua, P.S.- Sarmera, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Mining Department, Patna.
2. Suprintendent of Police Nalanda, P.S. and District- Nalanda, Bihar Sharif.
3. Mining Officer, Nalanda, Bihar Sharif.
4. Officer In Charge, Sarmera, P.S.- Sarmera, District- Nalanda, Bihar Sharif.
5. District Magistrate, Nalanda, Bihar Sharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Respondent/s : Mr. Smt. Kumari Amrita (G.P-3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

2 30-03-2018 Learned counsel for the petitioner is permitted to add the District Magistrate, Nalanda as party respondent no.5 in course of the day.

The present application has been preferred for a direction to the respondents to release the Truck bearing No.BR-52 G-0999 on proper bond or the surety which has been seized on 25.1.2018 with loaded sand by Officer Incharge, Sarmera Police Station, District- Nalanda with the help of Mining Officer, Nalanda in connection with Sarmera P.S. Case No.08 of 2018 under Section 379 of the Indian Penal Code and 4/40 Mining Act.

Learned counsel for the petitioner submits that the seizure of the vehicle and the sand thereon is wholly illegal and unjustified because the vehicle was plying on the road with all



legal and valid documents including proper challans.

Learned counsel for the State is present.

In the facts and circumstances, let the vehicle of the petitioner be released provisionally with sand in question in favour of the petitioner within one week on furnishing the document of ownership and registration of the vehicle in his favour and also on furnishing surety bonds of Rs.15 Lakhs (not in form of cash or Bank Guarantee) to the satisfaction of the District Magistrate, Nalanda, Bihar Sharif.

The vehicle with sand shall be released within a period of three days from the date of submission of the surety bonds by the petitioner. It will be subject to the undertaking of the petitioner that the vehicle shall not be alienated in any manner whatsoever and it shall not be encumbered creating any third party interest in the vehicle in question during pendency of the application. The petitioner shall also be liable to produce the vehicle as and when required in connection with the matter before the concerned authority or the court as the case may be.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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