

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1464 of 2018**

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Virit Bind Son of Mahadeo Bind resident of Village - Harnathpur, P.S. -  
Sonhar, District - Rohtas at Sasaram.

.... .... Petitioner.

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. Director of Mines, Govt. of Bihar, Patna.
3. District Mineral Development Officer, Aurangabad.
4. The District Magistrate cum Collector, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Officer In Charge of Mineral Development Officer, Aurangabad.
7. The Officer In Charge Barun P.S. District Aurangabad.

.... .... Respondents

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN**  
**PRASAD**  
ORAL ORDER

2      02-07-2018                      Learned counsel for the petitioner submits that earlier Civil Writ application was filed but after the defect was pointed out in the said writ application, it remained in the office of the learned advocate for sometime and she has now abandoned the said writ application.

In the view of the matter, let the defect No. 14(1) pointed out by the Stamp Report be ignored.

Learned counsel for the petitioner submits that the present writ application has been filed seeking release of the vehicle Eicher Tractor bearing Registration No. BR 45GA0352, Chasis No. 924110262522, Engine No. 524029168107 seized by



the police in connection with Barun P.S. Case No. 69 of 2018, District Aurangabad, for the offence under Sections 379, 420, 34 of the Indian Penal Code and Sections 4/40 Bihar Mines Act as well as Section-15 of Prevention of Pollution Act.

It is submitted that no confiscation proceeding has been initiated in respect of the vehicle, in question.

Learned counsel for the State is present.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated and 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 confiscation proceeding, let the vehicle in question be released provisionally in favour of the petitioner 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 two sureties, valued at Rs. 2,00,000/- (Two lakhs) (not in form of cash or Bank Guarantee), to the satisfaction of the District Magistrate, Aurangabad.

(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 the same be kept on record which may be used as a secondary evidence.

(iv) The Petitioner undertakes not to challenge the 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)**

A.K.V./-

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