

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1325 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- BHAGALPUR

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Kundan Kumar, Son of Jagdish Mandal, Resident of Village- Dobhi, Police Station-
Sanhaulla, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Mines & Geology Deptt.,
Govt. of Bihar, Patna.
2. The Collector, Bhagalpur.
3. The Senior Superintendent of Police, Bhagalpur.
4. The S.H.O. Police Station Sanhaulla, District- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Diwakar Yadav

For the Respondent/s : Mr. Sunil Kumar Mandal, S.C.3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle

(Truck) bearing registration no. BR-11J-4821 in favour of the

petitioner in connection with Sanhaulla P.S. Case No. 260/2017

for the offences under Section 379/411 of the Indian Penal

Code and 40 of Bihar Mines and Mineral Control Rules 1972

and 6/8 of Bihar Illegal Transportation and Storage Rules,

2003.

Learned counsel for the petitioner submits that

the petitioner has purchased this vehicle vide Annexure-1 to the

application and handed over it to the driver with understanding



that he would run the vehicle legally and shall provide the profit out of business to the petitioner. It is submitted that it was the driver who fled away while the sand in question was loaded in the Truck in question. learned counsel submits that the petitioner being owner is ready and willing to abide by the terms and conditions for the grant of provisional release of the vehicle (Truck) in question.

Learned counsel for the State is present, in the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally within a week 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. 15,00,000/- (Fifteen Lakhs only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the Collector-cum-District Magistrate, Bhagalpur.

(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 Collector-cum-District Magistrate, Bhagalpur, 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/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	16.05.2018
Transmission Date	16.05.2018

