

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.27 of 2018

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Krishna Kant Mishra, S/o Rajdeo Mishra, R/o Village- Bansil, P.S.-
Chenari, 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.
5. The D.T.O., Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Asit Kumar Jha, AC to GP-2

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

ORAL ORDER

3 29-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Mahindra Swaraj, Model No.855FE (Tractor with Tractor) bearing
Chassis No.WSCD61910934480, Engine No.4750045YD04779,
which has been seized by the police in connection with Dehri (T)
P.S. Case No.852 of 2017, District-Rohtas for the offence under
Sections 379 and 411 of the Indian Penal Code and Section 75 of
Bihar Minor Mineral Rule, 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 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 and the receipt showing payment of road tax as according to D.T.O., Rohtas (Sasaram) the petitioner has not paid/deposited road tax 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) 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 undertakes 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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