

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1893 of 2018

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Lal Mohan Chaudhary, son of Munilal Chaudhary, resident of
Village-English, P.S.-Barun, District-Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary
Mines And Mineral Department, Govt. Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Superintendent of Police, Aurangabad
4. The District Mining Officer, Aurangabad
5. The Station House Officer-cum-Officer-in-charge,
Barun Police Station in the District of Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 07-08-2018 The petitioner seeks release of his Mahinda 265D1 Red Colour (Tractor and Trailer) bearing Reg. No. A/F, Chasis No. MBNABACAAJRA01705, Engine No. RJA2BBN0501 which has been seized in connection with Barun P.S. Case No. 116 of 2018 dated 20.06.2018 instituted for the offences under Sections 379, 411, 420 of the Indian Penal Code and Section 40 of the Bihar Minor Minerals Concession Rules, 1972 and Section 4 and 40 of the Environment (Protection) Act, 1986.

It has been submitted on behalf of the petitioner that he is ready and willing to abide by the terms and conditions which may be imposed by this Court for the 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) The petitioner shall furnish surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 5,00,000/- (Rupees Five Lakhs) to the satisfaction of the District Magistrate, Aurangabad/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) The petitioner shall undertake not to



challenge the said photograph and *panchnama* so prepared in his presence at the time of release of the vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

This order shall, however, be subject to the result of the confiscation proceedings, if any.

The application is, accordingly, allowed.

(Ashutosh Kumar, J)

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