

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2854 of 2017

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Nirmal Kumar, S/o Sri Arun Kumar, R/v- Maika Colony, Yadubanshi Nagar, Akhara Road, Digha Ghat, Near at Mahindra Work Shop, P.S.- Digha, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The City Superintendent of Police, Patna West, Patna.
5. The Station House Officer of Digha Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Respondent/s : Mr. G.P. Ojha (GA7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicles Truck (Hywa) bearing Reg.No.BR01GC-2024, Chassis No.MAT448109C3C08656, Engine No.B591803121C63245027 and Apache T.V.S. Motorcycle bearing Reg.No.BR01CZ-3383 which have been seized by the police in connection with Digha P.S. Case No.221 of 2017, District-Patna for the offence under Sections 420, 467, 468, 379, 471 and 120B/34 I.P.C. and Sections 4/40/49 of the Bihar Mines and Mineral Concession Rule, 1972 and Rule 3/8 of the Bihar Minerals (Prevention of Illegal Mining



Transportation and Storage) Rule, 2003.

It is submitted that though confiscation proceeding has been initiated, but no final order has been passed.

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 vehicles in question. It has been shown from Annexure-3 that the value of the Hywa truck is Rs.13,27,719/-.

Let the vehicles of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.10,0000/- (ten lakhs) for Hywa truck and Rs.50,000/- (fifty thousand) for Apache T.V.S. Motorcycle (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.
- (ii) The petitioner shall also give an undertaking that he will not deal with the vehicles 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 vehicles for any illegal purpose and as and when required, he will produce the vehicles 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 vehicles 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 vehicles in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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