

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2749 of 2017

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Dhananjay Mishra S/o Ayodhya 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.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. Smt. Kumari Amrita (GP3)

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

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Tractor with Trailer bearing Reg. No. BR-24G-9744 which has
been seized by the police in connection with Dihari Nagar P.S.
Case No.852 of 2017 for the offence under Sections 379 and 411
of the IPC and Section 75 of the Bihar Minor Mineral Rules, 2017.

Learned counsel for the petitioner relies upon a
Division Bench order of this Court in LPA No.1647 of 2015 and



other orders passed by a coordinate Bench of this Court and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

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

(i) Petitioner shall furnish surety bond of Rs.6,00,000/- (six lacs) (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 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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

It shall be subject to result of the decision in LPA



No.1647 of 2015 where a question as to whether an executive can pass an order of confiscation is pending consideration.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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