

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.670 of 2018

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Bhavesh Kumar, S/o Sri Surya Mohan Singh, R/o Village- 67, Shivpuri,
Bhatta Bazar, P.S.- K. Hat, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector cum District Magistrate, Banka.
2. Superintendent of Police, Banka.
3. Sub Divisional Officer, Banka.
4. Mining Development Officer, Banka.
5. Officer in Charge, P.S.- Rajaun, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh

For the Respondent/s : Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg.No.WB-59A-8311, which has been seized by the police in connection with Rajoun P.S. Case No.25 of 2018, District-Banka for the offence under Sections 379/411 I.P.C., Rules 4/40 B.M.M.C. Rules, 1972, Sections 4(i)/21(1), 4(i)/21 (4A) M.M.D.R. Act, 1957 and Rules 3/8, 6/8 B.M.(P.I.M.T.S.) Rules, 2003. 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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be provisionally released within one week from the date of 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.15,00,000/- (fifteen lakhs) (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) 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)

Arvind/-

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