

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1065 of 2018

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Ashraf Ali, Son of Md. Asgar Ali, Resident of Village-Jogiya, Post-Aurangabad, Police Station-Barun, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Mines And Geology, Bihar Old Secretariat, Patna.
2. The District Magistrate, Aurangabad.
3. The Officer Incharge, Jamhor Police Station, District-Aurangabad.
4. The District Mines Officer, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Sunil Kumar Mandal (Sc-3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Sonalika Tractor, bearing Reg. No.BR-26GA-1775, which has been seized by the police in connection with Jamhor P.S. Case No.08 of 2018, District-Aurangabad, for the offence under Sections 379/411 of the I.P.C. and Sections 3/4/5 of the Bihar Mines Act. 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 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) 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, 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) Petitioner shall undertake 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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