

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.689 of 2018

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Rajkumar Yadav Son of late Kapildeo Yadav Resident of Village- Yogi Baggha, P.S.-Shambhuganj, Distt.- Bank.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Department of Home, Government of Bihar, Patna .
2. The Principal Secretary Government of Bihar, Mines & Geology, Department, Patna.
3. The Director, General of Police, Patna.
4. The Deputy Inspector General, Munger.
5. The Superintendent of Police, Munger.
6. The Deputy Superintendent of Police, Tarapur, Munger.
7. The Officer-in-Charge Tarapur, Police Station, Khagariya.
8. The Investigating Officer of Tarapur P.S. Case No. 137/2017, Distt.- Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan
For the Mines Deptt. : Mr. Naresh Dikshit, Advocate
Mr. Vivek Anand Amrithesh, Advocate
For the State : Mr. G.P. Ojha (GA-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 Learned counsel for the petitioner is permitted to add the registration number of the Tractor and Trailer in paragraph 1 of the writ application.

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Tractor & Trailer bearing Reg. No. BR-51G-1354 & BR-51G-1355 respectively, which has been seized by the police in connection



with Tarapur P.S. Case No. 137 of 2017, District-Munger for the offence under Sections 307/353/188 of I.P.C., Section 4/40 of the Bihar Minor Minerals Concession Rule, 1972 and Section 8 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule 2003. It is alleged that 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) for both Tractor & Trailer with two sureties of the like amount to the satisfaction of District Magistrate, Munger/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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