

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1152 of 2018

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1. Vikash Kumar Ray, Son of Upendra Ray, Resident of Bajidpur Bambaiya, P.O.- Chora Tabhka, Police Station- Bibhutipur, District- Samastipur.
 2. Rakesh Kumar, Son of Suresh Ray, Resident of Rupauli Kalyanpur, Police Station- Bibhutipur, District- Samsatipur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Mines and Geology Department, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Officer-in-Charge, Police Station- Patori, District- Samastipur.
5. The District Mining Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma
For the Respondent/s : Mr. Sunil Kumar Mandal (Sc-3)
: Mr. Bipin Kumar, AC to 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.

Petitioners have prayed for release of the vehicles Truck bearing Reg. No.JH19A 1342 and BR06GC 0658 respectively which have been seized by the police in connection with Patori P.S. Case No.65/2018, District-Samastipur for the offence under Section 379 of I.P.C., Section 40 of the Bihar Mining Mineral Act 1972 and Section 15 of the Environment Protection Act, 1986. It is alleged that the vehicles in question were carrying sand illegally .



Learned counsel for the petitioner submits that the petitioners are 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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicles of the petitioners be released provisionally within one week from the date of production of proof of ownership and registration of the vehicles in favour of the petitioners subject to the following conditions:-

- (i) Petitioners shall furnish surety bond of Rs.15,00,000/- (fifteen lakhs) (not in form of bank guarantee or cash) for each truck with two sureties of the like amount to the satisfaction of District Magistrate, Samastipur/authority concerned.
- (ii) The petitioners shall also give an undertaking that they 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, they will not use the vehicles for any illegal purpose and as and when required, they 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 petitioners 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) Petitioners shall undertake not to challenge the said photograph and panchnama so prepared in their 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.

(Rajeev Ranjan Prasad, J)

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