

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1649 of 2018

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Indrajeet Singh S/o Late Ramchandra Singh, R/o Vill.- Belaon, Post -
Kharenda, P.S.- Belaon, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar Through Secretary of The Home Department, Bihar At Patna.
2. The Collector Cum District Magistrate, Aurangabad.
3. The District Mining Officer, Aurangabad.
4. The Superintendent of Police, Aurangabad, Distt.- Aurangabad.
5. The Officer In Charge at Police Station Barun, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Md. Nadeem Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 25-07-2018

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

Learned counsel for the petitioner is permitted to make necessary correction in paragraph-1 of the writ application during course of the day.

Petitioner has prayed for release of the vehicle (Eicer Tractor) bearing its Engine No. J26881, Chassis No. 926513162012 in favour of the petitioner in connection with Barun P.S. Case No. 69/2018 for the offences under Section 379/420/34 of the I.P.C. and Section 4 and 40 of the Bihar Minor Minerals Concession Rule 1972 and Section 15 of the Protection of the Pollution Act, 1986.

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 (not in form of bank guarantee or cash) for the value of the vehicle in question as indicated in the insurance document 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/-

(Rajeev Ranjan Prasad, J)

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