

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.383 of 2018

=====

Lalmuni Devi, Wife of Kamlesh Kumar Singh, Resident of Village- Gopi
Bigha, P.O.- Jamuhar, P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Forest And Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Divisional Forest Officer cum Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. A.N.Sinha (G.P.-21)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 19-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tractor with Trailer bearing Reg.No.BR-24H-5590 and BR-24G-1534, which has been seized by the police in connection with Dehri (T) P.S. Case No.299 of 2017, District-Rohtas for the offence under Sections 147, 148, 353 and 427 of the IPC, Section 40(1) of Bihar Mineral Act, Sections 40(1-A)/21(1) of D.E. Act and Sections 33/41/42 of the Bihar Forest Act. It is alleged that the vehicle in question was carrying stone-chips 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 (not the stone chips) of the petitioner be provisionally released on 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.4,00,000/- (three 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/-

U		T	
---	--	---	--

