

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.215 of 2018

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Madhuri Devi @ Madhvi Devi W/o Anand Prasad Keshari, R/o Village-
Kauriram, P.S.- Mohania, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Mines And
Geology Department, Government of Bihar, Patna.
2. The District Magistrate, Rohta at Sasaram.
3. The Superintendent of Police, Rohtas at Dehri-On-Sone.
4. The District Mining Officer, Rohtas at Sasaram.
5. The S.H.O., Dehri (T) P.S., District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant 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 21-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Truck
bearing Reg.No.UP-65FT/1184, which has been seized by the
police in connection with Dehri (T) P.S. Case No.809 of 2017,
District-Rohtas for the offence under Sections 379 and 411 of
I.P.C. and Section 75 of the Bihar Minor Mineral Rules, 2017. 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.

In the facts and circumstances, pending finalization of the confiscation proceeding, let the vehicle 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.20,00,000/- (twenty 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 she 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, she will not use the vehicle for any illegal purpose and as and when required, she 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 her 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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