

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2045 of 2018

Arising Out of PS. Case No.-145 Year-2018 Thana- BARUN District- Aurangabad

Daroga Sharma S/o Late Tuntun Sharma, R/o vill.- Kataiya, P.S.- Jamhore,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary Government of Bihar, Patna.
2. Director of Mines, Government of Bihar.
3. District Mineral Development Officer, Aurangabad.
4. The District Magistrate Cum Collector , Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The District Mines and Mineral Development Officer, Aurangabad.
7. The Officer In Charge , Barun P.S., District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Leelawati Kumari, Advocate
For the Respondent/s	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle being Powertrack Tractor with Trailer bearing registration no. BR26B-6974 which has been seized in connection with Barun P. S. Case No. 145 of 2018 registered for the offences under Sections 379, 411, 420/34 of the Indian Penal Code, Sections 4, 40 of Bihar Mineral Rule and Section 15 of Environment Protection Act.

Learned counsel for the petitioner submits that from perusal of the seizure list it would appear that the tractor with its



trailer was seized laden with sand.

Learned counsel for the petitioner submits that no confiscation proceeding has yet been initiated.

In view of the views expressed by the Hon'ble Division Bench of this Court, this Court would direct provisional release of the vehicle in question on furnishing two sureties to the satisfaction of the learned court below for the value of the vehicle in question as indicated in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

Let the vehicle be released within a week after submission of the two sureties as indicated above.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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