

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1098 of 2018

Arising Out of P.S.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Ampu Singh @ Ampu Kumar S/o Mithlesh Singh, R/o Vill.- Mani Chack, P.S.-
Islampur, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of Mines And Geology, Government of Bihar, New Secretariat, Bailey Road, Patna.
2. The Collector Cum District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The S.H.O. Cum Officer In Charge, Islampur, P.S.- Hilsa, District- Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondent/s : Ms. Kumari Amrita, G.P.3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-05-2018

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

Petitioner has prayed for release of the vehicle
(Truck only) bearing registration no. BR-21GA-1195 in favour
of the petitioner in connection with Islampur P.S. Case No.
87/2018 for the offences under Section 420/379/34 of the
Indian Penal Code and Rule 4 and 40 of Bihar Minor Mineral
Concession Rules, 1972 and Rule 8 of Bihar Minor Mineral
(Prevention of Illegal Mining, Transportation Storage) Rules,
2003.

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



(Truck only), if belongs to the petitioner, be released provisionally within a week on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 15,00,000/- (Fifteen Lakhs only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of learned A.C.J.M., Nalanda.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the learned A.C.J.M., Nalanda, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	11.05.2018
Transmission Date	11.05.2018

