

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2627 of 2017

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Babulal Singh, S/o Sri Parmanand Singh, R/o Vill.- Issua, P.S.- Sarmera,
Distt.- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, Through Principal- Secretary, Mining Department, Patna.
2. Superintendent of Police-Nawada, P.S. and Distt.- Nawada (Bihar).
3. Mining Officer- Nawada, P.S.- & Distt.- Nawada.
4. Officer In Charge Akbarpur P.S., District- Nawada.
5. Jai Mata Di Enterprises, Nawada P.S. & District- Nawada through its proprietor Gopal Prasad S/o Shri Manilal, Nawada, P.S. & Distt.- Nawada through its proprietor Gopal Prasad S/o Shri Manilal, Nawada, P.S. & Distt.- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Kumari Amrita (Gp-3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-01-2018 Heard learned counsel for the parties.

The present writ application has been filed for a direction upon the respondents to release Hywa No.BR-52A-4999 on proper surety/bond which has been seized by the Mining Officer, Nawada on 20.11.2017 when the said Hywa was coming from Jharkhand with loaded sand and was going to Barbigha through the jurisdiction of Akbarpur police station.

Learned counsel for the petitioner submits that till date no case has been registered against the petitioner or the vehicle in question for the alleged criminal act of carrying sands without permission. His submission is that the vehicle has been



seized unauthorizedly when it was carrying sands. He has relied upon an order passed by a coordinate Bench of this Court dated 09.08.2017 passed in Cr.WJC No.948 of 2017.

Learned Counsel for the State has not disputed the submission of the learned counsel for the petitioner that no case has been registered uptill now.

Considering the facts and circumstances as has been observed by a coordinate Bench of this Court earlier vide Annexure-2, I direct for release of vehicle in question in favour of the petitioner by way of interim custody subject to production of proof of ownership and on execution of surety bonds of Rs.15,00,000/- (rupees fifteen lacs) by way of deposit of title deeds of immovable property or a security of the like nature along with two sureties subject to the condition that the petitioner shall not dispose off or encumber the vehicle in question without permission of the Court or authority as the case may be and shall produce the same as and when required before the court or the authority concerned.

With the above observations and directions, the writ application stands disposed of.

Arvind/-

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(Rajeev Ranjan Prasad, J)

