

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.267 of 2018

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Sanjay Kumar, Son of Ram Adhar Singh, resident of Village- Nand Tola,
Huska, Darihat, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The District Mining Officer, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Smt. Kumari Amrita (GP3)

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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 two vehicles
Mahindra and Mahindra (Tractor with Trailer) bearing
Reg.No.BR-24GA-5671, Chassis and Engine No.RENW06721
and another Vehicle bearing Reg.No.BR-24GA-8562, Chassis
No.MBNABAEAKHRE 01108, Engine No.RHE2EAN 5468,
which have been seized by the police in connection with Dehri
(T.) P.S. Case No.907 of 2017, District-Rohtas for the offence
under Section 75 of the Bihar Minor Mineral Rules, 2017. It is
alleged that the vehicles in question were 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 vehicles in question.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicles of the petitioner be provisionally released on production of proof of ownership and registration of the vehicles in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.4,00,000/- (four lakhs) (not in form of bank guarantee or cash) for each of the tractor and trailer together 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 vehicles 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 vehicles for any illegal purpose and as and when required, he will produce the vehicles 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 vehicles 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 vehicles 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/-

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