

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.337 of 2018

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Ramasray Yadav, S/o Late D.N. Yadav, R/o Himalay Plaza, IInd Floor, C-Block, Room No.- 211, P.O.+P.S.- Dan Kuni, District- Hoogly (West Bengal).

.... 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 Suprintendent 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. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-03-2018 Petitioner confines his prayer for release of the vehicle only and therefore the prayer for release of the sand stands rejected as not pressed.

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

Petitioner has prayed for release of the vehicle Truck bearing Reg.No.WB-15B/9787, which has been seized by the police in connection with Dehri (Town) P.S. Case No.927 of 2017, District-Rohtas for the offence under Sections 379, 411 I.P.C. and Section 75 of Bihar Minor Minerals 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 initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be provisionally released within one week from the date of 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.15,00,000/- (fifteen lakhs) (not in form of bank guarantee or cash) with two local sureties who reside within the jurisdiction of the authority concerned to the satisfaction of the authority concerned.

(ii) The petitioner shall also give an undertaking that he 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, he will not use the vehicle for any illegal purpose and as and when required, he 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 his 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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