

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.332 of 2018

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Ajay Kumar Singh S/o Ram Narayan Rai, R/o Railway Cooperative Colony, Digha Ghat, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Mines And Minerals Department, Government of Bihar, Patna .
2. The District Magistrate, Patna, District- Patna.
3. The Senior Suprintendent of Police, Patna.
4. The District Transport Officer, Patna.
5. The District Mines Officer, Patna.
6. The Assistant Director , District Mines Officer, Patna.
7. The Station Head Officer, Digha P.S., District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Respondent/s : Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 30-03-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg. No. BR-01GA-3058, which has been seized by the police in connection with Digha P.S. Case No.221 of 2017, District-Patna for the offence under Sections 420, 467, 468, 471, 379 and 120(B)/34 I.P.C., Sections 4, 40 and 49 of Bihar Minor Mineral Concession Rules, 1972 and Rule 3 of the Bihar Mineral Prevention of Illegal Mining, Transportation and Storage Rule, 2003. 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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner 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 sureties of the like amount to the satisfaction of District Magistrate, Patna/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 shall undertake 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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