

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2782 of 2017

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Santosh Singh, Son of Late Ramjee Singh, Resident of Village- Beda, P.S. Sasaram (M), 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. Md. Raishul Haque (SC X)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle (tractor with trailer) bearing Reg. No. BR-24G-7702, which has been seized by the police in connection with Dehri (T) P.S. Case No.906 of 2017 for the offence under Section 75 of the Bihar Minor Mineral Act, 2017. It is alleged that the vehicle in question was carrying sand illegally.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle in question which will be evident from Annexure-2 to the writ application. He further submits that the informant has not mentioned the registration



number of the vehicle and has wrongly written the engine number. A statement to this effect has been made in paragraph 6 of the writ application.

Learned counsel for the State is present.

in the facts and circumstances, let the vehicle of the petitioner be released provisionally on 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.4,00,000/- (four lacs) (not in form of bank guarantee or cash) 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 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) A photograph of the vehicle shall be taken and



panchnama be also prepared and kept on record.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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