

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1382 of 2018

Arising Out of PS. Case No.-82 Year-2017 Thana- PAUTHU District- Aurangabad

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Pheku Yadav S/o Late Mahipat Yadav, R/o Vill.- Parsi, Post- Ibrahimpur, P.S.-
Fesar, (Aurangabad), District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Mines And Mineral
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The District Minig Officer, Aurangabad.
5. The Station House Officer Cum Officer in Charge Pauthu P.S. in the District-
Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
		Mr. Arjun Prasad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State

Petitioner has prayed for release of the vehicle
Mahindra and Mahindra (Tractor and Trailer) bearing Regd. No.
BR-1G/9342/9343 which has been seized by the Police in
connection with Pauthu P. S. Case No. 82 of 2017, District-
Aurangabad for the offences punishable under Sections 379,
411, 120(b) of the Indian Penal Code and Section 40 of Bihar
Minor Minerals Concession Rules. 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 vehicles of the petitioner be provisionally released 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 lakhs) (not in form of bank guarantee or cash) together with two sureties of the like amount to the satisfaction of the 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 nay 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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