

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2094 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- BARUN District- Aurangabad

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Raghunandan Yadav S/o Sri Nanhak Yadav, R/o Vill.- Damdi Bigha, P.S.-
Madanpur, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of Mines And Geology, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The Superintendent of Police, Aurangabad (Bihar).
4. The Mining Development Officer, Aurangabad (Bihar).
5. The Station House Officer, Barun P.S., Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Sunil Kumar Mandal

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 The present application has been filed seeking release of the vehicles Tractor bearing registration no. BR-26K-1269 with Trailor bearing Reg. No. BR26K-1270 which have been seized in connection with Barun P. S. Case No. 69 of 2018 registered under Sections 379, 420/34 of the Indian Penal Code, Sections 4 and 40 of of the Bihar Mines and Mineral Concession Rules, 1972 and Section 15 of the Environment Protection Act, 1986.

Learned counsel for the petitioner submits that the vehicles have been seized on wrong pretext as it was not involved in carrying sand and only because the driver fled away leaving the vehicle it was seized by the Police on the allegation



that it was carrying sand which was result of the illegal mining.

Learned counsel further submits that the petitioner is ready to abide by the terms and conditions which may be imposed by this Court.

Learned counsel representing the Department of Mines and the State have opposed the prayer of release of the vehicle. It is, however, submitted that presently no confiscation proceeding is pending against the vehicle.

Considering the facts and circumstances of the case where this Court finds that presently no confiscation proceeding is pending with respect to the vehicles which are lying under open sky and over the period they are likely to become a junk and will be of no use, this Court directs provisional release of the vehicles in question mentioned above on the petitioner furnishing two sureties of the like amount each to the extent of the value of the vehicles indicated in the insurance document or as per the invoice of the vehicles whichever is lesser along with the document of registration and ownership of the said vehicles before the court below with an affidavit and undertaking in the following terms:

(i) That the vehicles bearing Engine Number and Chasis number are not and shall not be involved in carrying sand which will



be result of illegal mining in future;

(ii) that the petitioner shall not create any third party right or interest in respect of the vehicles and for that reason he will not enter into sale and shall not create any encumbrance in favour of any other party;

(iii) the petitioner shall produce the vehicles as and when required by the competent court/authority and shall abide by the order of the confiscation if any passed by the competent authority.

The court below shall order for release of the vehicle within one week from the date of submission of the surety bond and the undertakings.

In case the vehicle is found involved in similar offence in future, the order granting provisional release of the vehicle in the present case shall also be withdrawn.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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