

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2651 of 2018

Arising Out of PS. Case No.-307 Year-2018 Thana- WARISLIGANJ District- Nawada

Mukul Kumar Singh, Son of Late Chandrakant Prasad Singh, Resident of
Village- Kochgown, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The District Collector Nawada.
3. The Superintendent of Police, Nawada.
4. The Station House Officer Cum Officer in Charge Warisaliganj, Police Station in the District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Respondent/s : Mr. Md. Nasrul Huda Khan (Sc 1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2018 The present application has been filed seeking release of the vehicles (Tractor and Trailer) make of Eicher Model 368 Engine No. 527027600718 Chasis No. 927012485801 which have been seized in connection with Warisaliganj P. S. Case No. 307 of 2018 registered under Section 379 of the Indian Penal Code and Section 409(1) of the Bihar Minor Mineral (Prevention of Illegal Mining Transportation & Storage) Rule 2003.

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)

avin/-

U		T	
---	--	---	--

