

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2164 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- BARUN District- Aurangabad

Manoranjan Singh, Son of Mahendra Singh, resident of village Dewariya,
P.S. Narari Kala Khurd, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Director of Mines Government of Bihar.
3. The District Mineral Development Officer, Aurangabad.
4. The District Magistrate cum Collector, Aurangabad.
5. That Superintendent of Police, Aurangabad.
6. The District Mines and Mineral Development Officer, Aurangabad.
7. That Officer -In-Charge, Barun Police Station, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Leelawati Kumari
For the Respondent/s	:	Mr. Md. Raisul Haque(Sc-10)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner is seeking release of vehicle being Blue
Colour Swaraj Tractor bearing Engine No. 391355/SZF05467,
Chasis No. W2TG28-428132663 with Tailor (Dala) which has
been seized in connection with Barun P.S. Case No. 132 of 2018
registered under Sections 379, 411, 420/34 of the Indian Penal
Code and Sections 4/40 of Bihar Mines and Minerals and
Section 15 of Environmental Protection Act.

Learned counsel for the petitioner submits that the
presently no confiscation proceeding is initiated in connection



with the vehicle in question. It is submitted that even if a confiscation proceeding is initiated in future it is well settled in law that a confiscation has a civil consequence and in such case the petitioner will be required to compensate the State to the extent of the value of the vehicle. It is submitted that the vehicle is standing under the open sky and there is no security to the vehicle. As a matter of experience, if the vehicle is allowed to remain lying under open sky over the period there is every possibility that the condition of the vehicle will deteriorate and it's road worthiness will be loosen over the period. It is submitted that even the valuable part of the vehicle may be subjected to theft.

Learned counsel submits that in order to secure the interest of the State the petitioner would be ready to furnish a bank guarantee to the extent of the value of the Tractor and Tailor as per the insurance document.

Learned counsel for the State is present and submits that if the confiscation proceeding will be initiated, the petitioner should undertake to appear and participate in the same.

In the given facts and circumstances, this Court directs the release of the vehicle being Blue Colour Swaraj



Tractor bearing Engine No. 391355/SZF05467, Chasis No. W2TG28-428132663 with Tailor (Dala) subject to the petitioner producing the document of the ownership and registration of the vehicle in his favour with a bank guarantee to the extent of the value of the Tractor and Tailor as indicated in their insurance documents with one surety of like amount to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the court below that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

Let the release order be issued on satisfaction of aforesaid conditions within a week thereafter.

This application is stands allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J)

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