

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12961 of 2019

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Upendra Kumar Singh Son of Late Rajendra Prasad Singh Resident of Dak Bunglow Road, P.S. Kahalgaon, District Bhagalpur, Bihar, permanent resident of Village Nandlalpur, P.O. Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Minerals, Government of Bihar, Patna.
2. The Deputy Director (Mines) cum Competent Authority Department of Mines, Government of Bihar, Patna.
3. The Senior Superintendent of Police District Bhagalpur, Bihar.
4. The Office in Charge cum Investigating Officer P.S. Ishipur Barahat, District Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate.
For the Mining	:	Mr.Naresh Dikshit Spl PP mines
For the State	:	Mr. G P Ojha GA-7

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 28-06-2019

Heard learned counsel for petitioner and the State.

This writ application has been filed on behalf of petitioner with prayer to release the Tata Trucks bearing Registration No. JH- 15K-6425 and JH 15K 5028 along with the minerals loaded on it which has been seized by Officer in charge- cum- Investigating Officer (respondent no.4) and the same have been kept in the police Station.

Learned counsel for petitioner submits that both the trucks belong to the Company of the petitioner i.e. M/S R.P. Constructions and the stone chips were being transported on



the strength of valid challan in Form-D and those stone chips have been purchased from M/S Neha Stone works on 24.3.2019 vide Tax Invoice no. 280 and 281 both dated 24.3.2019. The requisite documents with regard to the registration of the vehicles, Insurance Certificate, Additional Motor Vehicle Tax, Pollution Control Certificate and Fitness certificate and challan were produced before the police but the vehicle of petitioner have been illegally seized. Photo copy of all those documents have been annexed As Annexure-2 to Supplementary affidavit. Learned counsel for petitioner submits that petitioner is always ready to produce the vehicle before the Confiscating Authority or before the Criminal Court as and when required. He further submits that no confiscation proceeding has been initiated by the Confiscating Authority with regard to aforesaid vehicle.

In such circumstances, Officer in Charge- cum- Investigating Officer (respondent no.4) is directed to release the vehicle bearing Registration No. JH 15K-6425 and JH 15K 5028 of the petitioner within a period of one week from the date of receipt/production of copy of this order after proper verification of the paper relating to ownership. The petitioner will file affidavit that he will not dispose of the vehicle during



pendency of the criminal case and will produce the vehicle as
and when required before the Authority or in the criminal
Court. He will also not change the nature of vehicle.
The writ application is allowed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.07.2019
Transmission Date	

