

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16500 of 2019

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Rajesh Kumar S/o Sri Mahesh Sah Resident of Village
Nandlalpur, Mathurapur, P.S. Kahalgaon, Dist. Bhagalpur

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan
For the Respondent/s	:	Mr. Rajesh Kumar AC to GP-3
For the Mines	:	Mr. Naresh Dikshit Spl PP, Mines

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 14-08-2019

Heard learned counsel for the petitioner, Mines Department and the State.

The instant writ application has been filed on behalf of the petitioner seeking issuance of appropriate writ, rule or direction for release of the Tata LPK Truck bearing Registration no. BR 10GB 2487, Chassis no. MAT545253J7J21774 and Engine no. 497TC41JRY831655 along with the minerals loaded on it which have been seized by the respondents in connection with Ishipur Barahat P.S. case no. 27 of 2019 (GR no. 1174 of 2019) dated 24.3.2019 instituted under sections 379/411 of the



Indian Penal Code, Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972, Sections 4/6/8 of the Bihar Control of Protection Illegal Mining Transportation and Storage Rule, 2003, and section 13 of the Environment Protection Act, 1986.

Learned counsel for petitioner submits that for the same transaction three trucks belonging to the petitioner have been seized. He further submits that two trucks have already been ordered to be released by this Court by order passed in CWJC No. 12961 of 2019 dated 28.6.2019.

Learned counsel for the Mines Department does not dispute the aforesaid submissions of the petitioner.

In such circumstances, officer in charge-cum-Investigating officer (respondent no.4) is directed to release the truck bearing No. BR 10GB 2487, Chassis no. MAT545253J7J21774 and Engine no. 497TC41JRY831655 of the petitioner within a period of one week from the date of receipt/production a 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	
CAV DATE	
Uploading Date	21-8-2019
Transmission Date	

