

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17952 of 2018

=====

Sube Yadav S/o Gendu Yadav, Resident of Village- Gilani, P.S.- Sare, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Special Secretary-cum-Director, Mines and Geology Department, Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Excise Department, Patna.
3. The District Mining Officer, Nalanda.
4. The Collector-cum-District Magistrate, Nalanda.
5. The Excise Superintendent of Police, Nalanda.
6. The S.H.O. Sare Police Station, District- Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh
For the Respondent/s : Mr.Vivek Prasad -GP7

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 25-02-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner prays for provisional release of the
Truck bearing Registration No. BR21Q-9293, Chassis No. MAT
466429HHA00973, Engine No. S03082461J84335969, which
has been seized in connection with Sare P.S. Case No. 70 of
2018 for the offences punishable under sections
420/379/463/471 of the Indian Penal Code and section 4/40



Bihar Minor Mineral Concession Rule and section 8(d) of the Bihar Minerals (Prevention of Illegal Mining Transportation and Storage) Rules, and section 30(a) of the Bihar Excise and Prohibition Act.

Learned counsel for the petitioner in reference to the seizure list submits that two trucks were apprehended and both had same registration number, but the ownership papers which are enclosed at Annexure-2 would show that the registration paper of one of the truck was fake because the chassis number is different and the correct descriptive details present in the registration book, matches with the vehicle of the petitioner. He submits that insofar as the vehicle of the petitioner is concerned, there is no recovery rather 180 ml. IMFL was recovered from the other truck which had the same registration number but a different chassis number.

Learned counsel for the State is not in a position to contest the submission of learned counsel for the petitioner.

Having heard learned counsel for the parties and perused the ownership papers, a copy of which is enclosed at Annexure-2, which confirms that the truck from which 180 ml. IMFL has been recovered was different and carried incorrect registration number and no recovery was made from the



petitioner's truck. Since there is no recovery from the truck of the petitioner whose details are given in the seizure list and is supported by the owner's book, we direct the release of the truck from which no recovery was made and matches the registration number present in the registration book, in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the designated Court below within a fortnight.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2019
Transmission Date	NA

