

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.622 of 2022

Arising Out of PS. Case No.-169 Year-2020 Thana- NASRIGANJ District- Rohtas

RAJEEV KUMAR Son of Late Ramadhar Singh Resident of Village - TCP Gate, Nagaland Kohima at Present New Area , JHoda Mandir, Dehri, P.s.- Dehri, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal secretary Mning Deptt., Govt. of Bihar, Patna. Bihar
2. Circle officer, Nasriganj, P.s.- Nasriganj, Distt.- Rohtas. Bihar
3. Officer in Charge , Nasriganj, Police Station, Distt. - Rohtas. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sushil Kumar Singh, AC to GA-7
For the Deptt. of Mines	:	Mr. Utsav Anand, JC to Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-09-2022 Learned counsel for the petitioner submits that the truck in question has been seized in connection with Nasriganj P.S. Case No. 161 of 2020 registered under Section 379, 411, 420, 34 of the Indian Penal Code and 56(1), 56(2) of the Bihar Illegal Mining Act and Section 15 of the Environment Protection Act.

On query made by this Court as to why he has not moved the learned court below for release of the vehicle in question, learned counsel for the petitioner has no answer. He relies upon an order dated 05.01.2018 passed by this Court in Cr.W.J.C. No. 2627/2017 by which this Court had directed



release of a Hywa.

This Court finds that the case cited on behalf of the petitioner was entertained in different facts situation wherein there was no case pending against the petitioner or the vehicle in question had been seized unauthorizedly.

In this case, the distinguishing feature is that the vehicle has been seized and a case has been registered. In such circumstances, this writ application is being disposed of holding it premature.

The petitioner will be at liberty to file an appropriate application in the learned court below for release of the vehicle in question. If such an application is filed within 30 days from today, the same will be considered and disposed of within a period of 60 days from the date of filing of the application.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

