

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 624 OF 2022

Sanjay Rames Zade, Age 41 yr, Occ.
 Agriculturist, R/o At panchala (Khurd)
 Ghoti Tok, P.O. Mahadula, Tah. L
 Ramtek, Dist. Nagpur – 441106

... PETITIONER

VERSUS

The State of Maharashtra, through
 Police Station Officer, Ramtek Police
 Station, Nagpur.

... RESPONDENT

Shri F.Z. Chowdhari, Advocate for the petitioner.
 Shri S.M.Ukey, A.P.P. for the respondent-State.

CORAM : VINAY JOSHI, J.
DATED. : 21.09.2022.

ORAL JUDGMENT :

RULE. Rule made returnable forthwith. Heard finally by consent of learned Counsel appearing for the parties.

2. The petitioner's motor vehicle i.e. Truck bearing Registration No.MH-40-BE-8613 was seized by the Ramtek Police in connection with the Crime No.383 of 2020 registered for the offence punishable under Section 21(1) of the Mines and Minerals

(Development and Regulation) Act, 1957 (for short 'the Act of 1957'). The petitioner initially applied for release of vehicle, however it was rejected on account that there was a difference in the name of owner. The petitioner got corrected his name from the Transport Office and then once again applied for release. The Magistrate has rejected the application, however, the Sessions Court has released the vehicle vide order dated 14.07.2022. While releasing the vehicle, besides other conditions, the Revisional Court directed the applicant to execute the bank guarantee to the tune of Rs.3 lakhs, which part is impugned herein.

3. Though the respondent-State resisted the petition however admittedly, the State has not challenged the order of release of vehicle. Already the Sessions Court after considering the merits, came to the conclusion that the vehicle is to be released, which cannot be faulted with.

4. The petitioner would submit that the condition of provide the bank guarantee, is quite harsh and therefore, he is unable to meet the same. True, if the condition of bank guarantee is not complied, the ultimate result would be the vehicle would lie at the Police Station and likely to ruin. The Revisional Court has already imposed certain other conditions, which would suffice the purpose.

5. In view of the above, the petition is allowed. The condition of furnishing bank guarantee of Rs.3 lakhs is substituted by directing the petitioner to provide a personal bond of Rs.3 lakhs and one solvent surety in the like amount to the satisfaction of the Trial Court. Needless to say that, rest of the conditions would remain as it stand.

6. The petition stands disposed of accordingly.

(VINAY JOSHI, J.)

Trupti