

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.564 of 2017

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Bhrigu Chaudhary, son of late Bhumi Chaudhary, resident of village-Paura,
P.S.-Gogri, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Education Department.
2. The District Magistrate, Khagaria.
3. The Sub-Divisional Officer, Khagaria.
4. 4. Chandrashekhar Prasad Sharma, son of Ekadesh Prasad Sharma,
District Programme Officer, Resident of Chero, P.S. Sarmera, District-
Nalanda, at present posted as District Programme Officer, Khagaria.
5. The Officer in-charge, Gogri (Paura) Police Station, District-Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Respondent/s : Mr. Kameshwar Kumar (GP-17)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 16-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case is seeking release of his
tractor along with trailer bearing Reg. No. BR34A9360 and
BR34G1319 which has been allegedly seized while unloading the
rice which was meant for mid-day meal.

Learned counsel for the petitioner submits that he
has no connection with the rice which has been seized and he is
only seeking release of tractor with trailer which are subjected to a
confiscation proceeding. He submits that the issue as to whether
the District Magistrate-cum-Collector can initiate a confiscation
proceeding arising out of E.C. Act is pending consideration before



a Division Bench of this Court in LPA No.1647 of 2015. He further submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of tractor and trailer.

Learned counsel for the State submits that the tractor and trailer have been seized in connection with a case under Section 421 of the IPC read with Section 7 of the E.C. Act and a confiscation proceeding is going on.

Considering the facts and circumstances, let the tractor and trailer bearing Reg. No. BR34A9360 and BR34G1319 be provisionally released in favour of the petitioner on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.4,00,000/- (four lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the



State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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