

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2334 of 2018

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1. Akhilesh Pandey @ Dedu Pandey, S/o Late Brijesh Pandey, R/o Village- Chakarasan, P.S.- Manpur, District- West Champaran.
2. Awadh Bihari Shukla, S/o Nageshwar Shukla R/o Awashanpur, Gaudan, P.S.- Balthar, Dist.- West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Principle Secretary Excise Department Patna.
2. The District Magistrate, Bettiah, West Champaran.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The Officer Incharge of Gaunaha Police Station, in the District of West Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 02-11-2018

Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners have prayed for release of the Tractor and Trailer of the petitioners particularly the Tractor of petitioner no. 1 bearing Registration No. BR-22-GA-7514, and Trailer of petitioner no. 2 bearing Registration No. BR22G/1565 in connection with Gaunaha P.S. Case No. 62/2017 for the offences under Sections 379 & 414 of the Indian Penal Code and under Rule 4 and 40(x) of Minor Mineral Concession Rule, 1972.

Learned counsel for the petitioners submits that the petitioners are ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicles in question.

Considering the facts and circumstances of the case, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of



the vehicles in question on furnishing two sureties for the value of the vehicles in question as indicated in the insurance document to the satisfaction of the District Magistrate, Bettiah, West Champaran.

The order of provisional release is, however, subject to the further undertakings to be submitted by both the petitioners before the District Magistrate, Bettiah, West Champaran as follows:

- (i) That the vehicles in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.
- (ii) That the petitioners shall not create any third party right or interest in respect of the vehicles in question.
- (iii) That the petitioners shall produce the vehicles (Tractor and Trailer) as and when required by the learned court below/authority concerned.

Prior to release of the vehicles a Panchanama shall be prepared which will be kept on record for future use in course of trial.

The vehicles be released within one week from the date of furnishing surety and the undertaking as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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