

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1078 of 2017

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Jay Sony @ Jay Kumar Sony, Son of Brij Kishore Sah, Resident of
Village- Lahladpur, P.S. Janta Bazaar, District- Saran.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The SHO, Siwan Mufasil Police Station, District- Siwan.
5. Narendra Mohan Singh, Assistant Sub Inspector of Police, Posted in the
office of S.D.O. Siwan, Son of Late Ramadhar Singh, Resident of Village
Bachari, P.S. Sandesh, District- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. **19-01-2018** Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner is seeking release of the vehicle
namely one tanker/truck lorry bearing registration no.
BR9E-3909 which has been seized in connection with
Pachrukhi P.S. Case No. 102/2017 for the offences under
Sections 420/467/468/471/274/275/120B/34 of the Indian
Penal Code, Section 7 of the Essential Commodities Act
and Motor Sprit and High Value Diesel (Article and
Distribution) Regulation and Anachar Niwaan Order,
1998.

Learned counsel for the petitioner submits



that in the present case no confiscation proceeding has been initiated as yet. He would further submit that even the power of the District Magistrate-cum-Collector to initiate a confiscation proceeding under E.C. Act is under challenge and the same is pending consideration in L.P.A. No. 1647/2015.

Learned counsel prays for the interim release of the vehicle in question and submits that the petitioner would be ready and willing to abide by the terms and conditions which may be imposed by this Court.

Learned counsel for the State is present.

In the facts and circumstances of the case, let the vehicle namely one tanker/truck lorry bearing registration no. BR9E-3909 be released in favour of the petitioner on furnishing surety bond of Rs. 15,00,000/- (Rupees Fifteen Lakhs only) (not in form of cash or Bank guarantee) with two sureties of the like nature each to the satisfaction of the learned court below/Collector-cum-District Magistrate, Siwan, as the case may be.

Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce



the vehicle before the court below and/or the Collector-cum-District Magistrate, Siwan, as and when directed.

A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector-cum-District Magistrate can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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