

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.479 of 2018

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Vardan Swaraj S/o Late Vanmati Tiwary, R/o Village- Kanhauli
Bishundutta, P.S.- Mithanpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Collector, Vaishali,
2. The S.D.O. Sadar, Hajipur, Vaishali.
3. Dy. S.P. Hajipur, Vaishali.
4. Police Inspector Cum Officer In Charge, Town Police Station, Hajipur, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3
Mrs. Neelam Kumari, AC to SC-3
Mr. Bipin Kumar, SC-3.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner has filed a
supplementary affidavit correcting the typographical mistake in
paragraph 1 of the writ application.

Let this supplementary affidavit be formed part of
the main writ application.

Petitioner has prayed for release of the vehicle
trucks bearing Reg.Nos.BR-06GC-3264 and BR06GC-3492,
which have been seized by the police in connection with Hajipur
Town P.S. Case No.707 of 2017, District-Vaishali for the offence



under Sections 188 and 379/34 I.P.C. and Rules 4, 40(1)(8) 49 of Bihar Minor Mineral Rules, 2003 (1972). It is alleged that the vehicles in question were carrying sand illegally.

It is submitted that no confiscation proceeding has been initiated as yet.

Learned counsel for the petitioner 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 the vehicles in question.

Let the vehicles of the petitioner be provisionally released on production of proof of ownership and registration of the vehicles in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.20,00,000/- (twenty lakhs) (not in form of bank guarantee or cash) for each truck with two sureties of the like amount each 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 vehicles 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 vehicles for any illegal purpose and as and when required, he will produce the vehicles 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 vehicles 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 vehicles 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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