

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.658 of 2018

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Amit Anand, son of Bihari Yadav, C/o. N.K. Gautam Shivpuram, Road No. 02, Vijay Nagar, Rukanpura, P.O.- B.V. College, P.S.- Rupaspur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through its Principal Secretary, Food and Civil Supply Corporation Department, Govt. of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Madhubani.
4. The Superintendent of Police, Madhubani.
5. The S.H.O. Ladaniya Police Station, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Respondent/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Hero Splender Plus Motorcycle bearing Reg. No. BR-01CA-0407, which has been seized by the police in connection with Ladaniya P.S. Case No. 96 of 2017, District-Madhubani for the offence under Section 7 of the E.C. Act. It is alleged that vehicle in question was carrying 50 liters Kerosene oil illegally.

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



vehicle in question.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

- (i) Petitioner shall furnish a surety in form of surety bond (not in form of cash or bank guarantee) valued at Rs. 60,000/- (sixty thousand) to the satisfaction of the District Magistrate, Madhubani/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 shall undertake 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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