

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.344 of 2018

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M/s. Bombay Kandla Transport (P) Ltd. having its registered office at 58, First Floor, TPT, CTR, Azad Kund, P.S.- Azadpur, Delhi through its authorized signatory Pintu Kumar Singh, Son of Sri Ram Nath Singh, resident of village- Chakiya, P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, District Patna, Bihar.
4. The Superintendent of Police, (Rural), District- Patna, Bihar.
5. The Officer in Charge cum Investigating Officer, Parsa Police Station, District- Patna, Bihar.
6. District Magistrate, District Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Md. Nasrul Huda Khan (SC1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 30-03-2018 Let the learned counsel for the petitioner be directed to add District Magistrate, Patna as party respondent no.6 in course of the day.

Learned counsel for the petitioner has informed this Court that in this case, no confiscation proceeding has been initiated as no notice has been served upon the petitioner in that respect. Learned counsel submits that the vehicle in question (TATA TRUCK bearing Registration No.HR-55K-9455) was seized in connection with Parsa Bazar P.S. Case No.60 of 2017 on



the allegation that certain food grains and jute bags were found being loaded on the Truck and those jute bags belonged to the Food Corporation of India. It is his submission that crux of the allegations are against the illegal loading of rice and the gunny bags and so far as the present Truck is concerned, the same has been seized only on the allegation that jute bags were being loaded on the said Truck.

Learned counsel also submits that the Truck is lying under open sky and continued detention of the Truck would result in deterioration of its condition and would release the vehicle worthless.

Learned counsel informs this Court that the petitioner would be ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the Truck in question.

Learned counsel for the State is present.

In view of the submission made on behalf of the petitioner particularly that the Truck is lying under open sky for last about one year, this Court does not find any reason not to allow the application by directing the provisional release of the vehicle in question. Let the vehicle bearing No.HR – 55 K – 9455 be provisionally released on the petitioner submitting its surety



through an authorized Director and two local sureties of Rs.15 Lakhs to the satisfaction of the District Magistrate, Patna. The vehicle shall be released within a period of one week from the date of submission of the surety bonds subject to the undertaking of the petitioner that he will not deal with the Truck and shall not create any encumbrance thereon during the pendency of the case and the vehicle in question shall be produced as and when required before the competent court/authority concerned.

The petition stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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