

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2686 of 2017

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1. 1. MD.AJMAT ALI KHAN @ MD.AJMAT ALI Son of Sumaru Khan resident of Village - Chuavar, Police Station - Imamganj, District - Gaya Owner of the Pick Up Van bearing Reg. No. BR 02Q 732, Engine No. 497SPTC39PYY670965, Chassis No. MAT455026B8P55107.
 2. Md. Mashuk Khan Son of Bandhu Khan Resident of Village - Rasalpur, Police Station - Sitamarhi, District - Nawada, Owner of the Truck Bearing Reg. No. BR27-7641, Engine No. 90D62744066, Chassis No. MAT42603192D04251.

.... Petitioners

Versus

1. The State of Bihar through Its Principal Secretary, Food & Civil Supply Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The District Supply Officer, Gaya.
5. The Sub-Divisional Police Officer, Wazirganj, Gaya.
6. The Block Supply Officer, Wazirganj, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 05-01-2018

Heard learned counsel for the petitioners and

learned counsel representing the State.

Petitioners have prayed for release of the vehicles i.e. Pick-Up Van bearing registration no. BR-02Q-7392 and Truck bearing registration no. BR-27-7641 respectively in favour of the petitioners in connection with Wazirganj P.S. Case No. 389/2017 for the offences under Sections 467, 468, 420 of the Indian Penal Code and under Section 7 of the Essential Commodities Act.



Learned counsel for the petitioners relies upon a Division Bench order of this Court in L.P.A. No. 1647 of 2015 and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289 of 2017 by a co-ordinate Bench of this Court and submits that the petitioners are ready and willing to abide by the terms and conditions which may be imposed by this Court.

Let the vehicles if belong to the petitioners be released provisionally on production of proof of ownership and registration of the vehicles in their favour subject to the following conditions:-

(i) Petitioners shall furnish a surety bond as has been ordered in Cr.W.J.C. No. 1289/2017 with two sureties of the like amount of Rs. 5,00,000/- (five lakhs only) for Pick-Up Van bearing registration no. BR-02Q-7392 and Rs. 12,00,000/- (twelve lakhs only) for the Truck bearing registration no. BR-27-7641 to the satisfaction of the District Magistrate, Gaya.

(ii) Petitioners shall furnish an undertaking that they would not alienate or encumber the



vehicles or deal with them adverse to the interest of the State and shall produce the vehicles before the Collector-cum-District Magistrate, Gaya as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and 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 can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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