

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1261 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Sanjay Saw S/o Niranjan Saw R/o Post Office, Road No. 1, P.O. - G.P.O.,
P.S. - Kotwali, District - Patna. The Owner of Piaggio APE Tempo
bearing Reg. No. BR - 01GB-1407, Engine No. - RoJ2850577, Chasis No.
MBXOOOFBMJ121275.

.... Petitioner

Versus

1. The State of Bihar through Collector, Patna.
2. The Marketing Officer, Rationing, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra
Mr. Da modar Prasad Tiwary
Mr. Kaushal Kishor
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 07-05-2018

Learned counsel for the petitioner states that even though confiscation proceeding was initiated but the same has not been finalized and till date no confiscation order has been passed.

The vehicle in question is Piaggio APE Tempo bearing Registration No. BR-01GB-1407 which was seized in connection with Special Case No. 08/2014 arising out of Digha P.S. Case No. 148/2014. As per allegation, the vehicle was carrying rice which were meant for distribution through Public Distribution Shop. Learned counsel submits that the vehicle is lying under open sky in the police



station for the last about 4 years and over the period it has in fact lost its worthiness and everyday it is getting damaged.

It is also submitted that the trial of the case is not likely to be concluded in near future and therefore no purpose will be served by keeping the vehicle in question in the police station. He further submits that the petitioner would be ready and willing to abide by such terms and conditions which may be imposed by this court for the purpose of provisional release of the vehicle.

Learned counsel for the State is present and does not dispute the statement that confiscation proceeding though initiated but has not been finalized. Learned counsel says that he has got no instruction on this point.

In the facts and circumstances of the case, considering that the vehicle in question is lying in the police station for over four years and the criminal trial is not likely to be concluded in near future, let the vehicle, if belongs to the petitioner, be released provisionally within a week on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 3,00,000/- (Three Lakhs only) (not in form of cash or Bank guarantee) with two sureties of the like amount each to the satisfaction of the District Magistrate, Patna.

(ii) 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 Collector-cum-District Magistrate, Patna, as and when directed.



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

This application is, accordingly, disposed off.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	
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