

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.419 of 2018**

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RAJESH KUMAR SAH @ RAJESH SAO @ RAJESH SAH, S/o Sitaram  
Sah, Resident of Ward No-10, Puraini Bazar, P.S.- Puraini, District-  
Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Food And Consumer  
Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Purnea.
3. The Block Supply Officer, Purnea (East), District- Purnea.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjya Nath Tiwari

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN**  
**PRASAD**

**ORAL ORDER**

2      30-03-2018                      Learned counsel for the petitioner submits that he would  
  
confine his prayer limited to the provisional release of the vehicle  
  
in question.

Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner has prayed for release of the vehicle Truck  
bearing Reg. No. BR-11GA-9411, which has been seized by the  
police in connection with Purnea Sadar P.S. Case No.375 of 2017,  
District-Purnea for the offence under Section 7 of the E.C. Act and  
Section 420 of the Indian Penal Code. It is alleged that the vehicle  
in question was carrying rice 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 surety bond of Rs.15,00,000/- (fifteen lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Purnea/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)**

Arvind/-

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