

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.226 of 2018

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Jabir @ Jabir Hussain, Son of Md. Chand, Resident of Village- Nankar,
P.S.- Mainathar Bilari, District- Muradabad (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Buxar.
2. The Superintendent of Police, Buxar.
3. Officer-in-Charge, Buxar (Muffasil), Police Station Dist- Buxar.
4. The Forest Officer, Bhojpur, Ban Pramandal Buxar, Dist- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr. Raghwanand (Ga11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg.No.UP-21AN-7100, which has been seized by the police in connection with Buxar Mufassil P.S. Case No.147 of 2017, District-Buxar for the offence under Sections 467, 468 and 420 of the Indian Penal Code and Sections 33, 41 and 42 of the Indian Forest Act. It is alleged that the vehicle in question was carrying Kendu leaves 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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in his favour 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 court below or the authority concerned. One of the sureties must be a local person having immovable property within the jurisdiction of the 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 undertakes 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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