

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1517 of 2018

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Sandip Kumar Singh S/o Krishnakant Singh @ Krishna Singh, R/o Ward
No. 7, Pipra, Post - Baulahar, P.S.- Champatiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Chief Secretary, State of Bihar, Patna.
2. The District Magistrate, Bettiah, West Champaran.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The Officer Incharge of Chanpatiya P.S., in the District of West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Gyan Prakash Ojha (Ga 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tractor bearing Reg. No. BR-22-GA-4766, which has been seized by the police in connection with Chanpatiya P.S. Case No.414 of 2017, District- Bettiah at West Champaran for the offence under Sections 379 and 411 of the Indian Penal Code and under Rules 4 and 40 of Minor Mineral Concession Rule, 1972. It is alleged that the tractor was carrying sand 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 (not in form of bank guarantee or cash) for the value of the vehicle in question as indicated in the insurance document with two sureties of the like amount to the satisfaction of District Magistrate, Bettiah at West Champaran/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/R.R.Ojha/Ved

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