

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1920 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- RAJAUN District- Banka

Abhishekh Kumar @ Abhishekh Yadav S/o Jawahar Yadav, R/o Todar Tola
Kajraili, Tetahar, Bhagalpur, P.S.- Kajrail, Tetahar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Mines & Geology Department, Government of Bihar, Patna.
2. The Director of Police, Patna.
3. The Collector , Banka.
4. The Superintendent Police, Banka.
5. The Sub Divisional Officer, Banka.
6. The District Mines Officer, Banka.
7. The District Transport Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga 7)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-08-2018 The petitioner seeks release of his truck bearing Reg. No. BR 10Q-7163 which was seized in connection with Rajoun P.S. Case No. 25 of 2018 dated 19.01.2018 instituted for the offences under Sections 4/40 B.M.M.C. Rules under Section 4/21(1), 21(4A) M.M.D.R. Act, 1957 and Section 3/8 B.M. (P.I.M.T.S.) Rules, 2003.

It has been submitted on behalf of the petitioner that he is ready and willing to abide by the terms and conditions which may be imposed by this Court for the 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) The petitioner shall furnish surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 5,00,000/- (Rupees Five Lakhs) to the satisfaction of the District Magistrate, Banka/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) The petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his presence at the time of release of the vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

This order shall, however, be subject to the result of the confiscation proceedings, if initiated.

The application is, accordingly, allowed.

(Ashutosh Kumar, J)

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