

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1364 of 2018

=====

Pankaj Kumar @ Pankaj Sah, Son of Asharfi Shah @ Asarfi Lal Sah, resident of Village - Sonoaho, P.S. Amnour, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Bihar, Patna.
2. The Managing Director, Food and Civil Supply Department, Bihar, Patna.
3. The Collector-cum-District Magistrate, Saran at Chapra.
4. The Senior Deputy Collector, District Legal Cell, Saran at Chapra.
5. The Superintendent of Police, Saran at Chapra.
6. The Circle Officer-cum-Block Supply Officer, Amnour, Saran at Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :Mr. Dewendra Narayan Singh, Adv.

For the Respondent/s :Mr. Shailendra Kumar Singh, Adv.
Mr. Harish Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 14-08-2018 A counter affidavit has been filed on behalf of the State in Court. Let it be taken on record.

The petitioner seeks release of his Tata Six Wheeler Goods Carriage (Mini Truck), bearing Reg. No. BR-06G-4032, Chassis No. 416403JRZ736645 and Engine No. 497TC93JRZ48367, which has been seized along with food grains in connection with Bheldi P.S. Case No. 154 of 2017, dated 25.09.2017, instituted under Sections 409, 420 and



120(B) of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The averments made in the counter affidavit indicate that the food grains which were seized have been confiscated. However, no confiscation proceeding has been initiated against the vehicle in question.

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 aforesaid 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. 3,00,000/- (Rupees Three Lacs) to the satisfaction of the District Magistrate, Saran at Chapra/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 proceeding, if initiated

The application is, accordingly, allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

