

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2667 of 2017

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Juganuddin S/o Mohamac Khan, R/o House No.-117, Moti Ka Bas,
Piparoul Ramgarh, P.S.- Ramgarh, District- Alwar Rajashthan.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Food & Consumer Protection Bihar, patna.
2. The Collector, Muzaffarpur.
3. The Marketing Officer, Rural Area, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. Arvind Ujjwal (Sc 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 05-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing registration no. RJ02GA-7109 in favour of the petitioner in connection with Mithanpura P.S. Case No. 357/2017 for the offences under Sections 7 of the E.C. Act and Section 420, 379, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner relies upon a Division Bench order of this Court dated 17.05.2016 passed in L.P.A. No. 1647/2015 (Annexure-3) and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289/2017 (Annexure-4) and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.



Let the vehicle if belong to 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 a surety bond of Rs. 12,00,000/- (twelve lakhs only) as has been ordered in Cr.W.J.C. No. 1289/2017 along with two sureties of the like amount to the satisfaction of the learned S.D.J.M. East, Muzaffarpur.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with it adverse to the interest of the State and shall produce it before the learned S.D.J.M. East, Muzaffarpur or the District Magistrate, Muzaffarpur as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record in accordance with law.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.



This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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