

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.40 of 2018

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Md. Sanowar @ Md. Sanowar Alam @ Sanwar, S/o Sk. Hasib, R/o Village-
Tariya Pipra (Kanhariya), P.S.- Dagarua, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The Collector Cum District Magistrate, Katiahr.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Kadwa, P.S. District- Katihar.
5. The Block Supply Officer, Kaduwa, District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Tractor and Trailer bearing Reg.No.BR-11GA-8517 and Trailer
No.BR-11L-9515 (not the seized rice), which has been seized by
the police in connection with Kadwa P.S. Case No.193 of 2017,
District-Katihar for the offence under Section 7 of the Essential
Commodities Act. It is alleged that the vehicle in question was
carrying 119.500 quintals of rice 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 finalization or initiation 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.4,00,000/- (four 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.
- (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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