

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.813 of 2018

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Keshwer Mahto, Son of Late Karmu Mahto, Resident of Village-
Laltenganj, P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Bihar Patna.
2. The Principle Secretary, Food and Civil Supply Department, Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The Sub-Divisional Officer Aurangabad.
5. The Block Development Officer cum Food and Civil Supply Madanpur, Block District Aurangabad.
6. The Officer in-charge Madanpur Police Station, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tata Mazik bearing Reg. No. BR02M-3799, which has been seized by the police in connection with Madanpur P.S. Case No.97/2016, District-Aurangabad for the offence under Section 420 of the I.P.C. and Section 7 of the E.C. Act. It is alleged that the vehicle in question was carrying 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.

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 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 District Magistrate, Aurangabad/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/-

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