

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1179 of 2018

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1. Dwarika Yadav S/o Late Nanhak Yadav, R/o Vill.- Ahuri Maliachak,
P.S.- Amas, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Health Department,
Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer Incharge, Amas P.S., District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Respondent/s : Mr. Ramadhar Singh (Gp25)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 04-05-2018

Heard the learned counsel for the petitioner.

The petitioner in the present case is seeking release of the two vehicles which are; one, Maruti Alto Car bearing Registration No. BR 02Y 3768, Chasis No. MAJEUA61500455896, Engine No. FSDNES241601 and another is Bajaj CT-100 Motorcycle bearing Registration No. BR 2E 7420, Chasis No. DUFCMG20315, Engine No. DUMCMG20676 which have been seized in connection with Amas P.S. Case No. 265 of 2017 on 30.11.2017.

Learned counsel for the petitioner points out from the seizure-list that these two vehicles have been seized alleging that some medicines were found kept in the Maruti Alto Car and



in the Bajaj CT-100 Motorcycle.

It is his submission that *prima facie* the vehicles in question cannot be said to be involved in commission of the offence as alleged. He prays for provisional release of the vehicles on such terms and conditions as may be imposed by this Court.

Learned counsel for the State is present. However, he is unable to show as to how the vehicles in question may be seized on the allegation that some medicines, which according to the F.I.R. the petitioner was involved in selling without a valid license, were found in the Maruti Alto and Bajaj CT.

Considering the facts and circumstances, let the vehicles in question if belong to the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicles in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish surety bond (not in the form of cash or Bank guarantee) for each of the vehicles with two sureties of the like amount to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati (Gaya)/authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicles 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 vehicles for any illegal purpose and as and when required, he will produce the vehicles 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 vehicles 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 vehicles 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.)

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