

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.961 of 2018

Arising Out of PS. Case No.-346 Year-2017 Thana- NOKHA District- Rohtas

Faudar Chaudhary, Son of Late Madho Singh, Resident of Village- Parsan
Tola, P.O.- Meyari Bazar, P.S.- Nokha, District- Rohtas ... Petitioner
Versus

1. The State of Bihar, Through The Director General of Police, Govt. of Bihar, Patna.
 2. The Secretary, Home Department, Govt. of Bihar, Patna.
 3. The Collector-cum-District Magistrate, District- Rohtas.
 4. The Superintendent of Police, Rohtas, District- Rohtas.
 5. The S.H.O. Police Station, Nokha, District- Rohtas ... Respondents
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Appearance :

For the Petitioner : Mr. Jitendra Kumar Giri, Adv.
For the Respondents : Mr. M. Nasrul Huda Khan, SC I

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-05-2018 Heard learned counsel for the petitioner and the
learned counsel representing the State.

Learned counsel for the petitioner has informed this Court that in this case, no confiscation proceeding has been initiated as no notice has been served upon the petitioner in that respect. Learned counsel submits that the vehicle in question (Mahendra Tractor, bearing Registration No.BR-44G-6473, Engine No. RFME04316 and Chassis No. REO1682015 was seized in connection with Nokha P.S. Case No. 346 of 2017 on the allegation that sand and illegal minerals were found on the tractor which belonged to the petitioner. It is his submission that crux of the allegations are against the illegal loading of sand and minerals and so far as the present tractor is concerned, the



same has been seized only on the allegation that sand and minerals were loaded on the said tractor.

Learned counsel also submits that the tractor is lying under open sky and continued detention of the tractor would result in deterioration of its condition and would release the vehicle worthless.

Learned counsel informs this Court that the petitioner would be ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the tractor in question.

Learned counsel for the State is present.

In view of the submission made on behalf of the petitioner particularly that the tractor is lying under open sky, this Court does not find any reason not to allow the application by directing the provisional release of the vehicle in question. Let the vehicle bearing registration No. BR-44G-6473, Engine No. RFNE04316 and Chassis No. REO16820115 be provisionally released, within one week, on the petitioner submitting the 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/- (rupees four lakh) (not in form of



bank guarantee or cash) with two sureties of the like amount to the satisfaction of the District Magistrate, Rohtas/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 panchanama 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



panchanama 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 off**.

(Rajeev Ranjan Prasad, J)

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