

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2612 of 2018

Arising Out of PS. Case No.-626 Year-2018 Thana- MADHEPURA District- Madhepura

Mahendra Bhagat son of Late Nunulal Bhagat Resident of Ward No.2,
Bhagwanpur, Samda, P.S. Sour Bazar, Distt.-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Through The District Magistrate, Madhepura
2. The Collector- cum- District Magistrate, Madhepura
3. The Superintendent of Police, Madhepura
4. The Sub-Divisional Officer, Madhepura
5. The Block Supply Officer, Madhepura
6. The Station House Officer, Madhepura Police Station, Distt.-Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary
For the Respondent/s : Mr. M. Nasrul Huda Khan

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the vehicle (Mahindra Bolero Pick-up Van) bearing registration no. BR-11GB-4296, which has been seized by the police in connection with Madhepura P. S. Case No. 626 of 2018 for the offence under Section 7 of the Essential Commodities Act.

It is alleged that 40 bags of government subsidized rice each containing 50 kg. each have been recovered from the vehicle in question.

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. It is further submitted that no notice has been received by the petitioner for confiscation proceeding in respect of the vehicle in question.

In the given facts and circumstances of the case, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of the vehicle in question on petitioner producing document of ownership and registration in his name and furnishes two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the court below as follows:

(i) That the vehicle in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.

(ii) That the petitioner shall not create any third party right or interest in respect of the vehicle in question.

(iii) That the petitioner shall produce the vehicle as and when required by the learned court below/authority concerned.



Prior to release of the vehicle a Panchnama shall be prepared which will be kept on record for future use in course of trial.

The vehicle be released within one week from the date of furnishing surety and the undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

