

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1095 of 2018

Arising out of Sheosagar P.S. Case No.92 of 2017, District-Rohtas

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Lal Mohammad Ansari, S/o Late Faudar Ansari @ Fauzdar Ansari, R/o Vill.+P.O.- Konar, P.S.- Shivsagar, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Rohtas at Sasaram.
3. The Superintendent of Police, District- Rohtas at Sasaram.
4. The Deputy Excise Superintendent, District Rohtas at Sasaram.
5. The Station House Officer Cum- Officer Incharge, Sheosagar Police Station in the Distict- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Jubair Ansari

For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 24-07-2018 No counter affidavit has been filed despite time granted on 27.04.2018.

Learned counsel for the State prays for two weeks further time without showing any plausible reason for non-compliance of the order dated 27.04.2018 over a period of almost three months.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of petitioner being Hero Honda Splendor Plus Motorcycle bearing Reg. No.BR24F-0618, which has been seized in connection with Sheoshagar P.S. Case No.92 of 2017, be released on furnishing



two sureties to the satisfaction of District Magistrate, Rohtas at Sasaram.

So far as the house in question being plot no.1887, Khata no.155 measuring area 0.03 decimal is concerned, the same shall be unsealed and possession be handed over to the petitioner on depositing a title deed of the land on which the house is standing as security with two sureties to the satisfaction of the District Magistrate, Rohtas at Sasaram. The vehicle in question and the house shall be released and de-sealed within a period of one week from the date of submission of the sureties/title deed in terms hereinabove subject to the following conditions:-

(i) The petitioner shall give an undertaking that he will not deal with the vehicle in question and the house 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 and house for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(ii) 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 and house shall also be prepared and keep the same on record which may be used as secondary evidence.

(iii) 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 and house for use in course of trial or the confiscation proceeding, as the case may be.

(Rajeev Ranjan Prasad, J)

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