

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2786 of 2017

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Bholi Kumar Bhojgadhiya S/o Ratan Lal Bhojgadhiya, R/o Village- 305 A
Khatik , Mohalla Near Rama Store, Jhumri Tilaiya, P.S.- Jhumri Tilaiya,
District- Kodarma.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Department of Home Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Superintendent of Police, Gaya.
6. The Officer in Charge of P.S. Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate
For the Respondent/s : Mr. Vivek Prasad (Gp-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 08-01-2018 Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner has prayed for release of the vehicle
Scorpio bearing registration no. JH12E-1414 in favour of
the petitioner in connection with Barachatty P.S. Case No.
319/2016 for the offences under Sections 272, 273, 120B of
the Indian Penal Code and also under Section 47(a), 48(2),
54, 63 of Bihar Excise (Amendment Act) 2016.

Learned counsel for the petitioner submits
that nothing has been recovered from the vehicle Scorpio in
question vide Annexure-5. This Court has already released



one of the vehicles which was seized in the same F.I.R.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647 of 2015 and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289 of 2017 by a co-ordinate Bench of this Court and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Let the vehicle, if belong to the petitioner, be released provisionally on production of proof of ownership and registration of the vehicles in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond as has been order in Cr.W.J.C. No. 1289/2017 with two sureties of the like amount of Rs. 10,00,000/- (Ten Lakhs) for Scorpio vehicle bearing registration no. JH12E-1414 to the satisfaction of the court/authorities concerned.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the



State and shall produce the vehicle before the Collector-cum-District Magistrate, Gaya, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record in accordance with law.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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