

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.218 of 2018

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Baby Devi, Wife of Kankir Prasad Yadav, Resident of Village- Ghogha,
Gopalpur, P.S. Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Bihar, Patna
2. The District Magistrate, Bhagalpur.
3. The Senior Superintendent of Police, Bhagalpur.
4. The S.H.O. Goradhi, Bhagalpur.
5. The Block Supply Officer, Goradhi, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Pick
Up Van bearing Reg.No.BR-10G-7753, which has been seized by
the police in connection with Sabour (Goradhi) P.S. Case No.21 of
2017, District-Bhagalpur for the offence under Section 7 of the
E.C. Act. It is alleged that vehicle in question was carrying rice
illegally for black-marketing which was meant for public supply.

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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle (not rice) of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in her favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.4,00,000/- (four lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

(ii) The petitioner shall also give an undertaking that she 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, she will not use the vehicle for any illegal purpose and as and when required, she 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



panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in her 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 of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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