

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2803 of 2017

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1. Purendra Kumar, S/o Bindeshwari Basway, Resident of Karhariya P.S. Banka, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Collector, Banka
2. The Collector, Banka.
3. The Block Supply officer, Banka, District Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. S.Raza Ahmad(AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 16-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Present writ application has been filed for provisional release of the vehicle Tata-407 bearing Reg.No.BR10GA-2135 which has been seized in connection with Banka P.S. Case No.725 of 2016 registered under Section 7 of the E.C. Act.

Learned counsel for the petitioner submits that a confiscation proceeding being Confiscation Case No.88 of 2016-217 has been initiated in the present case. However power of District Magistrate-cum-Collector to initiate a confiscation proceeding arising out of E.C. Act itself is a subject matter of



challenge and consideration in LPA NO.1647 of 2015. He further 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.

Learned counsel for the State is present.

In the facts and circumstances, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs. 10,00,000/- (ten 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 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 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 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 vehicle in question shall be released within two days on submission of ownership and registration and surety bond along with a copy of this order.

(Rajeev Ranjan Prasad, J)

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