

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2706 of 2017

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Chhathoo Prasad, S/o Late Jiwan Prasad Baitha, R/o Village- Bindusar
Hamid, P.S.- Siwan Muffasil, District- Siwan.

.... Petitioner/s

Versus

1. The Principal Secretary, Food and Civil Supply, Government of Bihar,
Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The District Supply Officer, Siwan.
5. The Prakhand Supply Officer, Pachrukhi, Siwan.
6. The S.H.O. of Pachrukhi (Sarai O.P.), District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

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

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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
Vikram JSL Victory Tempo bearing Reg. No. BR-29K 9115,
Engine No.A2E0629311, Chasis NO.MCHJDPODOCPF03629
which has been seized by the police in connection with Pachrukhi
(Sarai O.P.) P.S. Case No.89 of 2017 for the offence under Section
7 of the E.C. Act.



Learned counsel for the petitioner relies upon a Division Bench order of this Court in LPA No.1647 of 2015 and other orders passed by a coordinate 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 of the petitioner be released on production of proof of ownership and registration of the vehicle subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.3,00,000/- (three lacs) (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) A photograph of the vehicle shall be taken and



panchnama be also prepared and kept on record.

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

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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