

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.66 of 2018

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1. Ramrup Yadav @ Ramroop Yadav Son of Badri Yadav resident of Village - Jhikatiya, P.S. Madanpur, District - Aurangabad.
2. Binod Yadav Son of Chandradeep Yadav resident of Village - Madhav Khap, P.S. - Madanpur, District - Aurangabad and also resident of Katras More, Jhariya, P.S. Jhariya, District - Dhanbad (Jharkhand).
3. Shushila Devi Wife of Late Gopal Singh resident of Village - Darbhanga, Post - Teldiha, P.S. - Madanpur, District - Aurangabad and also resident of Karharbari, P.S. - Giridih, District - Giridih (Jharkhand).
4. Kundan Kumar son of Ram Prasad Singh resident of Tetulmari Station Road, P.S. - Tetulmari, Sijua, District - Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector, Aurangabad, District - Aurangabad.
3. The Superintendent of Police, Aurangabad, District : Aurangabad.
4. The District Supply Officer, Aurangabad, District : Aurangabad.
5. The Block Supply Officer, Aurangabad Block, District : Aurangabad.
6. The Station House Officer, Muffasil Police Station, District - Aurangabad.
7. Bihar State Food & Civil Supply Corporation Ltd through its Managing Director, Khadya Bhawan, R. Block, Patna - 1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar
For the Respondent/s : Mr. Arvind Ujjwal
For the BSFC : Mr. Nirmal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioners and learned counsel representing the State as well as learned counsel representing the B.S.F.C.

Petitioners have prayed for release of the vehicle Trucks bearing Reg. Nos.BR2F 3767, UP63D 9825, HR38K 6542 and HR 38J 0528 respectively, which have been seized by the police in connection with Mufassil P.S. Case No.36 of 2017,



District-Aurangabad for the offence under Sections 406, 409, 420, 467, 468, 471 and 120B of the I.P.C. and Section 7 of the E.C.Act. It is alleged that the vehicles in question were carrying wheat illegally as the same was meant for public supply.

Learned counsel for the petitioners submits that the petitioners are ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicles in question.

In the facts and circumstances, pending initiation or finalization of confiscation proceeding, let the vehicles of the petitioner be provisionally released on production of proof of ownership and registration of the vehicles in their favour subject to the following conditions:-

(i) Petitioners shall furnish surety bond of Rs.12,00,000/- (twelve Lakhs) (not in form of bank guarantee or cash) for each truck with two sureties of the like amount each to the satisfaction of court below or the authority concerned. One of the sureties shall be a permanent resident of the State of Bihar.

(ii) The petitioners shall also give an undertaking that they will not deal with the



vehicles in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, they will not use the vehicles for any illegal purpose and as and when required, they will produce the vehicles 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 petitioners and panchnama of the vehicles in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioners undertake not to challenge the said photograph and panchnama so prepared in their presence at the time of release of vehicles in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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