

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1537 of 2018

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Sunil Kumar @ Dhongal Son of Late Prahlad Singh Resident of Village -
Berhana, P.S. - Barh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Superintendent of Police, Patna, District - Patna.
4. The District Magistrate/Collector, Patna, District - Patna.
5. The Officer In Charge of Khusroopur, P.S. District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Parth Sarthi (Ga4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Glamour
Motorcycle bearing Reg. No. BR-01DC-0681, which has been
seized by the police in connection with Khusroopur P.S. Case No.
139/17, District- Patna for the offence under Sections 42, 44 and
50 of the N.D.P.S. Act.

It is submitted that the Motorcycle in question was
seized when it was found that the petitioner was carrying 5 K.G.
of Ganja and a case was registered being Khusroopur P.S. Case
No. 139/17, as contained in Annexure 1 to the writ application.

The plea has been taken in the writ application that the



vehicle in question is lying under open sky and is losing its purpose and worthiness and, therefore, no fruitful purpose would be served by keeping the vehicle in standing condition.

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.

Considering the facts and circumstances, this Court would direct release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Patna that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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