

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2631 of 2015

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Jai Kishore Prasad @ Jai Kishor Prasad, \son of Prabhunath Bhagat, R/o
Village - Kothua Sarangpur, P.S- Daraunda, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum Collector, Siwan.
3. The Superintendent of Police Siwan.
4. The Sub-Divisional Officer, Siwan Sadar.
5. The Block Supply Officer, Siwan Sadar, Siwan.
6. The Officer In-charge, Siwan Town (Sarai) Police Station Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha
Mr. Amarendra Kumar

For the Respondent/s : Mr. Md. Raisul Haque, SC-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-04-2015

Leaned counsel for the parties are present.

The limited grievance of the petitioner in this case is that his truck bearing Registration No.BR-28C-2401 stands seized in connection with Siwan (Town) Sarai P.S. Case No.346 of 2013 registered under section 7 of the Essential Commodities Act, 1955 (hereinafter referred to as 'the E.C. Act') and which has led to registration of confiscation proceedings by the Collector bearing E.C. Act Case No.95 of 2013-14. A petition was filed by the petitioner on 13.8.2014 under section 6-E of 'the E.C. Act' seeking provisional release of the vehicle in question and the grievance of the petitioner is that the said application remains pending before the District Magistrate, Siwan for disposal.

Mr. Satish Kumar Sinha, learned counsel appearing on behalf of the petitioner submits that since by passage of time the vehicle would become obsolete that the present writ petition was filed. The order-sheet in the confiscation case pending before the District Magistrate, Siwan reflects that a report was called for by the District Magistrate as back as on 13.8.2014 but thereafter nothing has progressed.

Having heard learned counsel for the parties and taking note of the limited grievance of the petitioner as well as of the fact that allowing the vehicle to turn obsolete in a seized condition, would serve no useful purpose, the writ petition is disposed of with a direction to the District Magistrate, Siwan to consider the application of provisional release filed by the petitioner under section 6-E of 'the E.C. Act' and dispose of the same after giving opportunity of hearing to the petitioner within a maximum period of three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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