

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15398 of 2015

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Suveer Kumar Pardeshi, S/o Prem Kumar Pardeshi, Resident of Village-Jakariyapur, P.O. Bari Pahari, P.S. Ramkrishnagar, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Patna.
2. The Collector Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. Gp26- N.K. Singh

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 08-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner prays for a direction to release the trucks bearing registration nos. BR 21F 3989 and BR 21G 5789 seized on 12.04.2015 giving rise to Pandarak P.S. case no. 45 of 2015 under Section 7 of the Essential Commodities Act and Sections 406 and 420 of the Indian Penal Code as well as Confiscation case no. 08 of 2015-16.

The petitioner submits that he is a registered owner of the trucks, which are commercial vehicles. He is not a P.D.S. dealer nor he has any concern with the alleged transaction of the food-grains, save and except that of transportation on rent.

Since the trucks are commercial vehicles, I find no useful purpose would be served in keeping it under seizure. Furthermore, it is also a common knowledge that there is no

appropriate facility for keeping the seized vehicles under due care and protection, as such, in case, if the petitioner files an application before the Additional Chief Judicial Magistrate, Barh, Patna, he would pass necessary orders directing release of the vehicles of the petitioner on furnishing adequate security and identity proof. The release of the trucks would be subject to the result of the Confiscation proceeding.

It goes without saying that the petitioner would not dispose of the trucks in the interregnum period.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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