

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12155 of 2015

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Sita Ram Yadav, S/o Late Ishwar Yadav, Resident of Village- Murliganj,
Ward No.- 12, P.S.- Murliganj, District- Madhepura.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Madhepura

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 09-09-2015

The petitioner is the owner of Tractor and Trailer. He uses the said Tractor and Trailer for commercial purposes. On the request of one Mukesh Chaudhary, he has lent his Tractor and Trailer on rent basis for carrying some food-grains.

The case of the petitioner is that he is not the P.D.S. dealer and is not concerned with the sale and purchase of the food-grains in question. The vehicle along with food-grains were seized on the allegation that the commodities were sought to be sold in black market. The seizure gave rise to criminal case as well as confiscation proceeding.

The petitioner is aggrieved by order dated 26.08.2014 / 01.09.2014 passed by the District Magistrate-cum-Confiscating Officer, Madhepura in Confiscation Case No. 03 of 2014 by which the vehicle has been confiscated and offer was tendered to the

petitioner to have his vehicle released on making due payment of the price of the vehicle, as on the date of seizure.

The petitioner preferred an appeal before the learned District Judge, Madhepura under Section 6 (C) of the Essential Commodities Act, which too was dismissed.

The petitioner seeks modification in the order of the two authorities to the extent that the vehicle be released on furnishing adequate security subject to the result of the criminal prosecution being Murliganj P.S. case no. 59 of 2014.

Sub-section 2 of Section 6 (C) of Bihar Amendment (Bihar Act 9 of 1978) states that if any order passed under Section 6-A is modified or annulled by such judicial authority, or where in a prosecution is instituted for the contravention of the order in respect of which an order of confiscation has been made, and the person concerned is acquitted, and if it is not possible for any reason to return the essential commodity then its price as on the date of seizure should be refunded. Though the Tractor and Trailer would not come within the purview of the essential commodities but the principles laid down in Sub-section 2 of Section 6 (C) of Bihar Amendment Act would be fully applicable also.

Thus if a person is acquitted in the criminal case instituted for contravention of the Control Orders, the price of the

commodity including the vehicles is ultimately to be paid.

I deem it appropriate that the vehicle be released on furnishing adequate security subject to the result of the criminal case with a condition that 10% of the value of the vehicle or Rs.15,000/- whichever is lesser would be paid in cash.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

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