

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7118 of 2015**

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1. Ram Kumar Mishra, S/O Late R.N. Mishra, resident of 130/131, Shiv Gopal Banerjee Lane, Ghosuri, District- Howah (W.B.).

.... .... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Lakhisarai,  
2. The District Magistrate, Lakhisarai,  
3. The Assistant District Supply Officer, Lakhisarai  
4. The Sub-Divisional Magistrate, Lakhisarai.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Ms. Vagisha Pragya Vacaknavi

For the Respondent/s : Mr. GP32-Harish Kumar

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL ORDER**

2      17-06-2015      Petitioner is the bonafide legal owner of a truck bearing registration No. WB 11 B 7213 with Chasis No. MAT 448030B7F25514, Engine No. 11D84002115. The same has been confiscated after initiation of a criminal case, which is Lakhisarai P S Case No. 220/2015 dated 23.03.2015, registered under sections 420 IPC and 7 of the E C Act.

The seizure was effected on 23<sup>rd</sup> March, 2015 and an application for release of the truck was filed on 7.4.2015 but no order has been passed. The petitioner has reasonable apprehension and it is justified as well that the prolonged exposure of the vehicle in open condition will not only put it to vagaries of weather but stealing of equipments of the vehicle because upkeep and control over seized vehicle is minimal.

In view of the above, the District Magistrate, Lakhisarai is directed to release the truck in question on the following conditions:

(a)                      The petitioner shall produce all original papers



supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.

- (b) The petitioner shall file an undertaking in form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings.
- (c) The petitioner shall furnish security as deem fit and proper by the authorized officer which shall neither be in the form of cash nor bank guarantee.
- (d) The release of the vehicle shall be governed by the final outcome of the confiscation proceedings.

Writ application is allowed in terms of the above.

**(Ajay Kumar Tripathi, J)**

R.K.Pathak/-

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