

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 872/2015

(Saiyyad Mushtak Saiyyad Sultan Kureshi vs. State of Maharashtra and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. V.S. Giramkar, Advocate for applicant
Mr. H R Dhumale, A.PP for respondents 1 and 2

CORAM: A.B.CHAUDHARI, J.

DATED : 14th December, 2015.

Heard learned counsel for the rival parties.

Rule. Rule heard forthwith. Shri H.R. Dhumale, learned A.PP waives service on behalf of respondent nos.1 and 2 and seeks time to file reply to this Application. However since I find that the question involved in the present Application is covered by the decision of this Court in Criminal Revision No. 145/2010 (Rajat Agro Industries vs. State of Maharashtra and others) decided on October 27, 2010 there is no need to have a reply from the State respondent.

The part of the order under challenge is made by the Collector, Buldana demanding bank guarantee in the sum of Rs. 4 lakhs for releasing the Mahindra Bolero Pick up van, bearing Registration No. MH-28/AB-3040.

It is true that the said van was seized along

with the essential commodities, for violation of the provisions of the Essential Commodities Act, but then the said vehicle was seized in May 2015 and the present applicant is unable to earn his livelihood because of the seizure. In that view of the matter and in view of the decision of this Court dated 27th October, 2010 (cited supra), taking the similar lines, I make the following order:

ORDER:

- 1) Criminal Application No. 872/2015 is allowed.
 - 2) The impugned order dated 21.08.2015 passed by the learned Collector in Case No. E.C. Act, 1955/Malkapur /380/205 is hereby modified, that instead of the applicant furnishing bank guarantee for releasing the vehicle Bolero Pick up Van, being registration No. MH 28/AB 3040 he is permitted to furnish solvent surety to the satisfaction of the Additional Collector, Budlana. It is further directed that upon furnishing such solvent surety, the vehicle No. MH -28/ AB 3040 shall be released within two days from the date of furnishing the solvent surety.
- Steno copy allowed.

JUDGE

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