

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12415 of 2016

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Abhinay Kumar @ Anand Kumar S/o Sri Anil Kumar Resident of Village -
Amhara, P.S. - Bihta, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Patna.
2. The Supply Inspector, Bihta, Patna.
3. The Collector, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Anil Kumar Singh, SC 21

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-12-2016

Heard parties.

At the time of hearing, learned counsel for the petitioner raises only one issue, i.e., for release of the truck bearing No. BR 1GA – 0385, which was seized on 19.6.2016 by the Supply Inspector, Bihta giving rise to Bihta P.S. Case No. 421/2016 under Section 7 of the Essential Commodities Act and 420, 467, 468, 471, 120B of the Indian Penal Code, in favour of the petitioner on furnishing sufficient security before the competent authority. A confiscation proceeding has also been initiated as Confiscation Case No.19/16-17.

It is contended that the petitioner is the owner of the vehicle and there has not been any reason for not releasing the vehicle concerned even during the pendency of the confiscation case upon furnishing sufficient security.



Having regard to the aforementioned facts and circumstances, this Court deems it fit and proper to direct the confiscating authority to provisionally release the truck bearing registration no. BR1GA – 0385 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Patna and after due verification of ownership and further with a condition that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that has to be produced by the owner in whose favour that would be released and further that the petitioner would not dispose of, alter or modify the vehicle till the aforesaid cases are pending.

The release would be subject to the result of the confiscation case as well as the final result of the criminal case concerned.

It is expected that the whole exercise would be completed within a period of four weeks from the date of receipt/ production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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