

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19152 of 2016

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Israil Khan @ Israil, S/o Shaasu Khan, Resident of Village- Mungaska Delhi Road
P.S. Arwali Bihar, District- Alwar (Rajasthan)

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department, Old Secretariat, Patna, Bihar.
2. The Collector, Madhubani.
3. The Block Development Officer-cum-Block Supply Officer, Madhepur, Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate
For the State : Mr. Upendra Pratap Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-12-2016

As prayed, petitioner is permitted to make correction in paragraph no.19 regarding number of confiscation case.

Heard learned counsel for the petitioner and state.

The petitioner seeks release of the Truck bearing registration no. RJ 02 GB 0436 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Madhepur P.S. Case No.58 of 2016 under section 7 of the Essential Commodities Act was registered. A confiscation proceeding has also



been initiated as Confiscation Case no. 23/16-17.

It is contended on behalf of the petitioner that the aforesaid Truck is lying uncared in the premise of the police station in open sky and that would rot, if it is not handed over to the petitioner. It is claimed that though confiscation proceeding has been initiated but it has not been concluded.

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. RJ 02 GB 0436 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Madhubani 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 08 weeks from the date of receipt/



production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2016
Transmission Date	NA

