

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15290 of 2016

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1. Anish Kumar Singh, Son of Sri Jay Ram Singh, Resident of Village-Mayapur, Police Station-Fatehpur, District-Gaya.
 2. Shambhu Sharan Singh, Son of Sri Kamta Singh, Resident of Village-Fatehpur, Police Station- Fatehpur, District-Gaya.
-Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
 2. The District Magistrate, Gaya.
 3. The Sub- Divisional Officer, Sadar Gaya.
 4. The Block Supply Officer, Fatehpur, Dist. Gaya .
 5. The Officer Incharge, Fatehpur Police Station, Dist.-Gaya
- Respondents.

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Appearance :

For the Petitioner : Mr. Binay Kumar, Adv.

For the Respondents: Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard learned counsel for the petitioner and state.

The petitioner seeks release of the Pick-up van bearing registration no. BR02M-4471 as well as 26 quintals of rice which was loaded upon it and a police case bearing Fatehpur P.S. Case No. 207 of 2016 has been registered under Section 406 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

It is contended that seized food-grains are perishable articles for which confiscation proceeding has already been initiated and there is no occasion for keeping the same in godown for being perished.



It is further contended on behalf of the petitioner that the aforesaid Pick-up van 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.

Learned counsel appearing for the State has submitted that the Pick-up van was seized along with 26 quintals of rice and a confiscation proceeding bearing Confiscation Case No. 18 of 2016 has already been initiated with respect to seized rice only and not for the vehicle.

Having regard to the facts and circumstances of the case, let the aforesaid quantity of the seized food-grains be released in favour of the petitioner after proper verification of the ownership by the District Magistrate, Gaya, who happens to be the confiscating authority, within a period of eight weeks from the date of receipt/production of a copy of this order on furnishing sufficient, security 10% of which should be in the form of cash/bank guarantee to the satisfaction of the confiscation authority.

However, the release will be subject to the final result of Fatehpur P.S. Case No. 207 of 2016 and Confiscation Case No. 18 of 2016.

Similarly, since no confiscation proceeding has been initiated with respect to the seized vehicle as has been informed



by the learned counsel appearing for the State, let the court concerned before whom the criminal case is pending, release the Pick-up van in favour of the petitioner upon such application for release having been filed by the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the court concerned and after due verification of ownership with further 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 eight weeks from the date of receipt/ production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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