

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5663 of 2016

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Manoj Kumar, S/o Bharat Sah, Resident of Saharsa, House No.- 102, P.S.-
Saharsa, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Bhagalpur.
2. The Collector, Bhagalpur.
3. The Block Supply Officer, Sabour, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-28

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 06-04-2016

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the truck bearing registration no. NL-05D-5436 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Bhagalpur Industrial Area P.S. case no. 12/16 has been registered under Section 406, 409, 467, 468, 471, 419, 273, 420, 120B IPC and Section 7 of the Essential Commodities Act on the allegation that the truck was carrying wheat belonging to the Food Corporation of India. A confiscation proceeding has also been initiated as Confiscation Case no. 85/2015-16.

It is contended that the truck is lying uncared in the premise of the police station in open sky and that would rot, if not handed over to the petitioner.

Learned counsel for the State submits that seizure has been

made on serious allegation and confiscation case is going on. Thus, the petitioner should be relegated to the competent authority.

In my view, if the vehicle is released after obtaining necessary surety, it will prejudice none.

Having regard to the aforementioned facts and circumstances, this court deems it fit and proper to direct the confiscating authority to release the truck bearing registration no. NL-05D-5436 in favour of the petitioner on furnishing sufficient security/ surety/ guarantee to the satisfaction of the Collector, Bhagalpur 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 would have 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 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)

V.K. Pandey/-

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