

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7565 of 2016

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1. M/s Lakchami Saw through it's proprietor Lakchami Saw son of late Nageshwar Sao, resident of Village- Jindapur Police Station- Magadh, University, Bodh Gaya, District- Gaya.
 2. Arun Kumar Singh son of Sri Vishwanath Singh, resident of Moh.- Railway Colony Delha, P.S- Delha, District- Gaya.

.... Petitioners

Versus

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

.... Respondents

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Appearance :

For the Petitioner/s : Mr. A. N. Singh, Advocate

Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to SC-30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-05-2016

Heard learned counsel for the petitioners and state.

Petitioners seek release of the truck bearing registration no. BR-2J-0533 as well as 150 quintals of rice which was loaded upon it and a police case bearing Bodh Gaya P.S. Case No.24 of 2016 has been registered under Section 414 IPC and Section 7 of the Essential Commodities Act.

It is contended that the 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 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 petitioners.

Learned counsel appearing for the State has submitted that the truck was seized along with 300 bags of rice weighing 150 quintals and a confiscation proceeding bearing Confiscation Case No.7/2016 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 rice be released in favour of the petitioners 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 guarantee/security, 5% 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 the Bodh Gaya P.S. Case No.24 of 2016 and Confiscation Case No.7/2016.

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 truck in favour of the petitioners 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, that would have to be produced by the owner in whose favour that would be released and, further, that such owner would not dispose of, alter or modify the vehicle till the aforesaid case is pending.

The release would be subject to the 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)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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