

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7253 of 2016

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Kapil Muni Pandey son of Late Dina Nath Pandey, resident of Village- Teghra, P.S. Bihyan, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
2. The Block Development Officer cum Circle Officer, Tarari, District Bhojpur, Bihar.
3. The Officer in charge cum Investigating Officer, P.S. Sikarhatta, District- Bhojpur, Bihar.
4. The District Manager, State Food Corporation, Bhojpur, Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the State : Mrs. Ratna Kumari, AC to SC-13
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 11-05-2016

As prayed, learned counsel for the petitioner is permitted to make necessary correction with regard to registration number of the vehicle.

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the truck bearing registration no. JH-09D-7679 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Sikarhatta P.S. Case No.13/2016 has been registered under Section 411, 120B IPC and Section 7 of the Essential Commodities Act.

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. It is further contended that the truck was seized along with rice and a confiscation proceeding bearing Confiscation Case

No.9/2015-16 has been initiated with respect to seized rice only and not for the vehicle.

Having regard to the facts and circumstances of the case, since no confiscation proceeding has been initiated with respect to the seized vehicle, let the court concerned, which is in seisin of the criminal case, release the truck 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 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 the vehicle would not be disposed of, altered or modified 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.
CAV DATE	N/A
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