

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7241 of 2016

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Lal Babu Tiwary, Son of Sri Kesho Tiwari, resident of village Dhamaul, P.S. Shahpur, 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, Ara
3. The Officer In Charge cum Investigating Officer, P.S. Sikarhantta, District Bhojpur, Bihar
4. The District Magistrate, State Food Corporation, Bhojpur, Bihar

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Prabhat Ranjan, Advocate
For the State	:	Mr. Sanjeev Kumar Singh, AC to SC 12
For SFC	:	Mr. Mayank Shekhar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-05-2016

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the truck bearing registration no. WB-25 B - 3827 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Sikarhantta 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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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