

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8611 of 2016

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Madhu Devi, w/o Pratap Chandra Gera, resident of New Sipahi Tola, P.S. K.Hat,
District Purnea

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : M/s N.K.Agrawal, Sr. Advocate and
Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Tej Pratap Singh, AC to GP 17

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-05-2016

Heard learned counsel for the petitioners and state.

Petitioners seek release of the truck bearing registration no. BR -11L-1901, which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Industrial Area P.S. Case No. 11/2016 has been registered under Section 7 of the Essential Commodities Act and under Sections 406, 409, 467, 468, 471, 419, 420, 308 and 120B of the I.P.C.

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. 86/2015-16 has been initiated with respect to

seized truck.

Having regard to the facts and circumstances of the case, let the aforesaid Truck be released in favour of the petitioner by the District Magistrate, Bhagalpur, 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 to the satisfaction of the confiscation authority and on proper verification of the ownership and further with a 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.

However, the release will be subject to the final result of the Industrial Area P.S. Case No. 11/2016 as well as Confiscation Case No. 86/2015-16.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
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