

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9019 of 2016

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Krishna Gopal Jha S/o Late Yogendra Nath Jha R/o vill. - Parjuar Dihtol, P.S. Arer,
District - Madhubani, Bihar at Present resident of House No. H 34 34 G/F Old
Shumapuri, P.S. Old Seemapuri East Delhi - 110095

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, New Secretariat,
Patna
2. The District Magistrate - Cum - Collector, Bhagalpur
3. Officer - in - Charge, Industrial Police Station, Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the State : SC 22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-07-2016

Heard the parties.

Petitioner seeks release of the truck bearing
registration no. HR-47A-6800 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(District Bhagalpur) has been registered under Section
406, 409, 467, 468, 471, 419, 420, 308 and 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. 86/2015-16.

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. HR-47A-6800 in favour of the petitioner on furnishing sufficient security/ surety 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 owner 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)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
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