

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9822 of 2016

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Jata Shankar Mishra Son of Late Kailash Mishra Resident of Mohalla - Ishakchak,
Police Station Ishakchak, District - Bhagalpur

.... 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 : Mr. Md. Najmul Hodda, Advocate

For the State : Mr. Anil Kumar Tiwary, AC to AAG13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-06-2016

Learned counsel for the petitioner is permitted to make necessary correction with respect to registration number of the concerned vehicle in course of the day as it is contended that inadvertently it has been recorded in paragraph no. 1 of the writ application as BR-109-9090, however, truck registration no. is 10G 9090, which is apparent from the First Information Report appended as Annexure 1.

Heard learned counsel for the petitioner and state.

Petitioner seeks release of the truck bearing registration no. BR-109-9090 which was seized for contravention of the provisions of Essential Commodities Act and a police case bearing Bhagalpur Industrial Area P.S. case no. 11/2016 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. BR-109-9090 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 the

petitioner 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	N.A.F.R.
CAV DATE	N.A.
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